

COPIES

OFFICIAL COMMUNICATIONS,

REPORTS AND OTHER DOCUMENTS,

Having reference to the Occurrences which took place in Montreal on the 21st May, 1832, and during and after the Election of a Representative for the West Ward of the said City.

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Le Séminaire de Québec,
3, rue de l'Université,
Québec 4, QUE.

MONTRÉAL :

COURT OF SPECIAL SESSIONS.

Thursday Evening, 26th April, 1832.

PRESENT :

Honbles. Charles W. Grant, Benjamin Holmes,
Toussaint Pothier, Jules Quesnel,
George Moffatt, John Fisher.
Austin Cuvillier, Joseph Roy and
William Robertson, William Hall, Esquires.

The Magistrates having been informed that serious disturbance was likely to arise in the vicinity of the Poll now holding for the election of a Representative for the West Ward of this City, in consequence of rioting this day, and further, that certain parties were organizing and arming themselves with clubs and other weapons, dangerous to the peace of the City, it was Resolved, that the High Constable be dispatched to request the attendance of Hypolite St. George Dupré, Esquire, the Returning Officer, for the purpose of ascertaining from him if any assistance was, in his opinion, required to preserve the peace of the City, or to assist him in any measure in preserving the peace or insuring the maintenance of order within the limits of his jurisdiction.

Mr. St. George Dupré having appeared, the question was put to him, and it was also intimated that upon his requisition every assistance he might require, in the power of the Magistrates, would be afforded. Mr. St. George declined the proposed assistance; he was, however, informed that any written requisition would be received and attended to, should he think proper to make application for assistance.

Mr. St. George having left the Room, it was Resolved unanimously, that in the opinion of this meeting, it is expedient to swear in at least one hundred Special Constables, and that the measures be immediately taken to carry the same into effect, and that the Magistrates do attend at this Room to-morrow for the purpose of receiving any requisition for the preservation of the peace, swearing the Constables and directing.

MONTRÉAL :

COURT OF SPECIAL SESSIONS OF THE PEACE.

Saturday 28th April, 1832.

PRESENT :

Honbles. Charles W. Grant, Benjamin Holmes,
Toussaint Pothier, John Fisher,
George Moffat, Pierre Lukin,
J.P.S. De Beaujeu, Jules Quesnel,
P. De Rocheblave, John M'Kenzie,
John Mo'son, William Hall,
Wm. Robertson, A. L. M'Nider and
Austin Cuvillier, Joseph Roy, Esquires.

The Clerk of the Peace laid before this Meeting a Letter from Hypolite St. George Dupré, Esquire, the Returning Officer for the West Ward of the City of Montreal, which Letter is as follows :

Montreal, 28th April, 1832.

SIR, If the Magistrates could send me a hundred, or from 150 to 200 Special Constables, (of whom a great number should be Canadians and Irishmen), under the orders of Mr. Delisle, the High Constable, I think that I could more easily maintain the peace at the Poll, and the liberty of voting without fear, to all the Electors.— I shall be ready to accompany them to the Poll at nine o'clock, if it be desired. Please to communicate this Letter with as little delay as possible.

I have the honor to be,

Sir, your very humble and
obedient servant,

(Signed,) H. ST. GEORGE DUPRE.

John Delisle, Esquire,
Clerk of the Peace.

N. B.—If Mr. Flime and any of the D'Aubrevilles, &c. should be among the Constables, they should be struck off. The Constables should have their Constables Staves with them.

Resolved,

Resolved unanimously, that the request of Mr. St. George be complied with.

The High Constable was called in, and instructed to take with him all the Constables, Watchmen, and Special Constables already sworn, and proceed with them to the vicinity of the Poll, there halt and report himself and parley to the Returning Officer, under whose direction he is to act.

Resolved, That measures be immediately taken to swear in an additional number of Special Constables.

Mr. Pierre Jacques Beaudry having stated to the Magistrates that he was present at last night, where he heard it recommended by Mr. Lafontaine and Mr. Cherrier, to take possession of the Poll early next morning, and in the event of Special Constables appearing there, unless under the requisition of the Returning Officer, to drive them from the Poll, and that at all events it was requisite to keep the possession.

It was the unanimous opinion of the Meeting that Mr. Beaudry had better state what passed under oath.

MONTRÉAL:

COURT OF SPECIAL SESSIONS OF THE PEACE.

Saturday, 5th May, 1832.

PRESENT :

Honble. George Moffatt,	Joseph Roy,	Pierre Lukin,
Toussaint Pothier,	A. L. Mc Nider,	Jules Quesnel,
John Molson,	Jules Quesnel,	George Roy,
P. De Rocheblave.	John Fisher and	Pierre De Rocheblave
Austin Cuvillier,	Joseph Masson, Esquires.	Benjamin Holmes, &

Honble. Chs. Wm. Grant,	Pierre Lukin,
Toussaint Pothier,	Jules Quesnel,
George Moffatt,	Joseph Roy,
Pierre De Rocheblave	Benjamin Holmes, &
Joseph Shuter,	John Fisher, Esquires.
A. L. Mc Nider,	

The Clerk of the Peace laid before this Meeting a Letter received this day from H. St. George Dupré, Esquire, Returning Officer for the West Ward of this City, which Letter is as follows:

Montreal, 5th May, 1832.

SIR,

I must beg of you to lay the Letter I have now the honor of addressing you, before the Magistrates.

Messrs. Mills, Charles Bowman and Ravens, having been, unknown to me, attacked and cruelly beaten at some distance from the Poll, on Thursday evening last, as I was yesterday informed on oath; and it having been reported to me that several scenes of this sort were occurring in the neighbourhood of the Poll, without its being in my power by my single authority, to prevent like disorders; I addressed myself to the Magistrates, begging them to adopt prompt and efficient measures for maintaining, during the present Election, order, peace and tranquillity in the neighbourhood of and near the Poll, which is to be held to day and the following days at the Place d'Armes, near the Bank, in the Engine House No. 1;—authorizing the Magistrates to that effect, if it be necessary.

I have the honor to be,
your very humble and
obedient servant,

(Signed,) H. St. GEORGE DUPRE,
 Returning Officer for the West
 Ward, City of Montreal.

John Delisle, Esquire,
Clerk of the Peace.

Resolved, That the High Constable take course to immediately notify all the Special Constables and the Watchmen to assemble immediately and meet together this day, in the Court House yard, to be placed under the direction of one or two Magistrates, or under the charge of the High Constable, to be taken to or near the Poll, near the Place d'Armes of this City, in conformity to the request made by the Returning Officer's letter, and that the said Special Constables and Watchmen do attend each day at nine o'clock in the forenoon, in the Court House Yard, during the holding of the said Poll.

This Meeting is adjourned till nine o'clock on Monday next.

COURT OF SPECIAL SESSIONS OF THE PEACE.

*Saturday, 5th May, 1832,
8 o'Clock, P. M.*

PRESENT :—

Honble. Chs. Wm. Grant,	Pierre Lukin,
Toussaint Pothier,	Jules Quesnel,
George Moffatt,	Joseph Roy,
Pierre De Rocheblave	Benjamin Holmes, &
Joseph Shuter,	John Fisher, Esquires.
A. L. Mc Nider,	

The Magistrates met this evening in consequence of the Report made by the High Constable of this District, who having stated that in pursuance to the order given to him, he notified the Special Constables to meet this day in the Court House Yard, for the purpose of attending the Poll now holding for the West Ward of this City; and that finding that they were in too small number, they declined to act.

The Clerk of the Peace laid before the Meeting the following Document :—

To their Worshipful the Magistrates of the City of Montreal ;

We, the undersigned Citizens, being sworn in and acting in the capacity of Special Constables, beg to offer the following representation to your Worships, viz :—

That on several occasions we have been called upon in common with our fellow Citizens to perform a duty which we conceive incumbent upon all, to aid and assist the Civil Power in all cases, and we are sorry that on the present, as on former occasions, we have not been supported by the body of those legally notified to act in concert with us. Therefore,

We humbly request that your Worships will exercise their authority in causing to be brought forward a sufficient number of respectable Citizens, to maintain the peace in the present emergency.

(Signed.)

James Carswell,	Thomas White,
William Gay,	George Constable,
William Christie,	Alexr. Forbes,
Isaac Aaron,	Henry Musson,
Archibald Hume,	Samuel Bowstead,
George McDonald,	George Munro,
William Fisher,	John Jones,
Samuel Stone,	R. Campbell,
Charles Wand,	William Snaith.

Thomas White,	Whereupon
George Constable,	
Alexr. Forbes,	
Henry Musson,	
Samuel Bowstead,	
George Munro,	
John Jones,	
R. Campbell,	
William Snaith.	

Whereupon Mr. Moffatt moves, seconded by Mr. Shuter, That steps be immediately taken to increase the number of Special Constables to two hundred and fifty, and that one hundred and fifty of the said Constabulary force be placed in the front of the Roman Catholic Parish Church of this City, on Monday morning next, under the immediate orders of three Magistrates. That a similar force be also assembled at sunset on Monday next, and on the following days, at the Court House, for the purpose of establishing a night patrol for maintaining the peace and good order in the City.—This motion is adopted by a majority of eight, Messrs. Roy and Lukin dissenting.

Resolved, That the following Gentlemen be requested to attend on the following days, at 9 o'clock, A. M. to take charge of the Special Constables sworn to maintain peace and good order at or near the Poll now holding for the West Ward of this City :—

On Monday the 7th—Honble. C. W. Grant, T. Pothier & William Hall, Esqrs.
“ “ evening—Honble. Forsyth, John McKenzie and Joseph Roy, Esquires.
“ *Tuesday* the 8th—Honble. Moffatt, De Beaujeu and Pierre Lukin, Esqr.
“ “ evening—F. Bouthillier, J. McKenzie and A. Jobin, Esquires.
“ *Wednesday* the 9th—Honble. De Rocheblave, Robertson & Masson, Esquires.
“ “ evening—Joseph Shuter, Honble. Molson and A. L. McNider, Esquire.
“ *Thursday* the 10th—A. Cuvillier, John Fisher and Jules Quesnel, Esquires.

Resolved, That a Meeting of the Magistrates of this City be held on Monday next, at nine o'clock in the forenoon, for the purpose of adopting measures to secure the tranquillity and maintain peace in the City of Montreal.

Montreal :

COURT OF SPECIAL SESSIONS.

Monday, 7th May, 1832.

PRESENT :

Honble. Chs. Wm. Grant, Joseph Masson,
“ John Molson, sen. Joseph Roy,
William Robertson, Jules Quesnel,
Austin Cuvillier, Benjamin Holmes,
Joseph Shuter, A. L. McNider,
Pierre Lukin, John McKenzie, Esquires.

This Meeting is called for the purpose of adopting measures to secure the peace and tranquility in the City of Montreal.

Honble. Chs. Wm. Grant, left the room.

Mr. Cuvillier moved, seconded by Mr. Quesnel, That the Resolutions passed by the Magistrates on Saturday evening last, be put into execution: This motion carried by a majority.—Messrs. Lukin, Roy and Molson dissenting.

Resolved, That Messrs. Quesnel, Holmes and Shuter, take charge of the Special Constables this day.

Sunday, 20th May, 1832.

The Clerk of the Peace having laid before us the undersigned Justices of the Peace for the District of Montreal, a letter addressed to him by Hypolite St. George Dupré, Esquire, Returning Officer for the West Ward of the City of Montreal, of which the following is a Copy, viz :—

Montreal, 19th May, 1832.

Sir,

I wish the Magistrates would send the Constables to me at the Poll, on Monday morning, before the Poll opens, which it will do at Eight o'clock in the morning. I have immediate need of them to preserve the peace.

I have the honor to be,

Sir,

Your very humble servant,

(Signed) H. ST. GEORGE DUPRE.
Retg. Officer West Ward.

John Delisle, Esquire,
Clerk of the Peace.

Ordered, That the High Constable do notify the Special Constables to meet at the Court House to-morrow the 21st instant, at half past Seven o'clock, A. M., to proceed at or near the Poll now holding for West Ward of this City.

(Signed) P. DE ROCHEBLAVE, J. P.
JOSEPH MASSON, J. P.
BENJAMIN HOLMES, J. P.

Montreal :

COURT OF SPECIAL SESSIONS.

Sunday, 20th May 1832.—7 o'clock, P. M.

PRESENT :

Honble. George Moffatt, Joseph Roy,
“ Pre. De Rocheblave, Austin Cuvillier,
William Robertson, A. L. McNider,
Benjamin Holmes, Jules Quesnel,
Joseph Masson, Pierre Lukin,
John Fisher, Esquires.

The Clerk of the Peace informed the meeting that it was called to take into consideration two letters received this day from H. St. George Dupré, Esquire, the Returning Officer for the West Ward of this City, which were read and are as follows:

Montreal, 20th May 1832.

Sir,

Having, yesterday evening, refused to submit to the pleasure of Mr. Tracey and his partisans in my interpretation of the Law, a tumult was the consequence, and

and I was very near being attacked, as the High Constable, who was present, can inform you. Mr. Tracey himself insulted me as a public officer, and threatened to compel me by force to do what he wished, as also an Irishman who leaped into the Poll Room. Motives of prudence induced me to apply to another Tribunal for that justice to which as a Public Officer I am entitled.

The letter which accompanies this, and which I have just received, will make you feel the necessity of the interference and assistance of the Magistrates.

I beg, therefore, that you will without delay call a meeting of the Magistrates for the purpose of laying my letter before them to day. I believe it impossible to continue the Election, unless there be within the Poll Room, sufficient number of Constables, having their staves with them to distinguish them, and if one or two of the Magistrates would place themselves at their head, it would be a great assistance to me. It is also necessary that this should be done as quickly as possible, and it is absolutely necessary that the Constables should be at the Poll, ten minutes before eight o'clock. The Poll opens at eight o'clock precisely.

I have the honor to be
Sir,
your very humble servant,

(Signed) H. ST. GEORGE DUPRE.
Rtg. Offir. West Ward.
JOHN DELISLE, Esqr.
Clerk of the Peace.

Montreal, 20th May 1832.

Hypolite St. George Dupré, Esquire,

Sir,

In consequence of the Acts of violence committed yesterday at the Poll, and of the certain information which we have received from Capt. Spence, who lives opposite to Mr. Tracey, that Mr. Tracey intends to place himself to-morrow at the head of a numerous party of persons disposed to commit the most violent outrages, we find ourselves under the necessity of calling on you to take the measures necessary for our protection, being persuaded that without an imposing constabulary force, placed in the immediate neighbourhood of the Poll, and ready to act at a moment's warning, our lives will be in danger. You must yourself be convinced by what took place yesterday, and by all that has occurred during this Election, that it is absolutely necessary, that vigorous measures be adopted to preserve the Peace, and to protect the friends of Mr. Bagg. It is even currently reported in this City, and the opinion of all the respectable persons who support Mr. Bagg, that greater attempts at violence will be made to-morrow, than have yet been made since the commencement of the Election. In case you should deem it necessary to call a meeting of the Magistrates, we are ready to testify on oath to the insulting manner in which you have yourself been treated by Mr. Tracey, and there is no doubt that they will be ready to employ all the means which the law has placed at their disposal, to support you in the exercise of your functions.

We are with consideration, your very humble and obedient servants,

(Signed) P. Bibaud, Stanley Bagg,
Chas. T. Greece, P. E. Leclerc,
William Ryan.

Whereupon it was Resolved unanimously that seventy five Constables be sent to the Poll to-morrow at half past seven o'clock, to be at the disposal of the Returning Officer and that they be accompanied by the High Constable, and that one hundred or as many as can be got not exceeding that number be placed in front of the Parish Church under the direction of two Magistrates.

Resolved, That the Honorable George Moffatt and Joseph Masson, Esquire, be requested to attend and take charge of the said Constables in the morning, and that Benjamin Holmes and P. Lukin, Esquires, be requested to take charge of them in the afternoon.

Resolved, That the Honorable Pre. Dr. Rocheblave and John Fisher, Esquire, take charge of the Constables on Tuesday next in the forenoon, and that the Honble. John Forsyth and Jules Quesnel, Esquire, take charge of them the same day in the afternoon.

Mr. Roy here withdrew from the meeting.

Resolved, That the Watchmen be notified to attend to-morrow at the same hour.

Resolved, Mr. Lukin only dissenting, that it is expedient to request the Commandant of the Garrison to reinforce the main guard with a Company of the 18th Regiment under the Command of a Captain with instructions to hold himself in readiness to act when required so to do by a Magistrate for the purpose of aiding the Civil Power in the suppressing any Riot which may arise in consequence of the pending Election for the West Ward of this City.

Resolved, That the Honorable G. Moffatt and Dr. William Robertson, two of the Magistrates here present be requested personally to call upon the commandant and communicate the wishes of this meeting as expressed in the foregoing Resolve.

Resolved, That a copy of the two foregoing Resolutions, certified by the Clerk of the Peace, be sent to Lieutenant Colonel McIntosh early to morrow morning.

Resolved, That four persons be sent round to warn the Constables early in the morning with instructions to notify them to attend at the Peace Office, at seven o'clock, A. M. and that unless they attend they will be proceeded against according to law, and the Constables warning the Special Constables are required to give in a list of the names of the Individuals so warned.

MONTREAL :

COURT OF SPECIAL SESSIONS.

Monday, 21st May, 1832, 6 o'clock, P. M.

PRESENT :

Honble. Geo. Moffatt,
Pierre Lukin,
Benjamin Holmes. } Esquires.

Resolved, That a Special Meeting of the Magistrates of this City be called for this day at Seven o'clock this evening, on business of pressing importance, the Session to be held in the Magistrates Room at the Court House.

MONTREAL :

MONTREAL :

COURT OF SPECIAL SESSIONS.

Monday 21st May, 1832.
7 o'Clock, P. M.

PRESENT :

Honble. John Forsyth,	Benjamin Holmes,
Geo. Moffatt,	Jules Quesnel,
Savouse De Beaujeu,	Joseph Masson,
P. De Rocheblave,	André Jobin,
Austin Cuvillier,	Joseph Roy,
William Hall,	Pierre Lukin,
A. L. McNider,	Joseph Shuter, Esquires.
John Fisher,	

Resolved, That the King's Counsel be requested to attend this Meeting : Messrs. Sewell and O'Sullivan were sent for accordingly.

Resolved, That a Messenger be immediately sent to H. St. George Dupré, Esquire, the Returning Officer for the West Ward of this City, to request that he will attend this Meeting.

The Affidavit of Mr. James Fraser, was here handed in and read—upon being questioned, said he did not know the parties mentioned in his Affidavit, that several groups were forming in the St. Antoine Suburbs.

It was moved by Mr. Masson, to Resolve, That the Civil Power being insufficient to maintain the peace of the City, it is expedient to request the commandant to furnish a strong Piquet for the purpose of patrolling the Streets during the night, which motion was carried with the dissent of Mr. Roy only.

Resolved unanimously, That Major Gregory, be sent for with a view of ascertaining the practicability of furnishing a few mounted men to act in concert with Lieut. Col. McIntosh's Piquet guard.

Resolved unanimously, That three Magistrates be requested to associate themselves with the Officer in command of the military force in duty this night, for the purpose of consulting and advising with the said Officer for the safety of the City and to maintain tranquillity.

Mr. Returning Officer having been called in, stated that he had not made up his mind whether he should close the Poll or go on with the Election ; perhaps with the assistance of three or four respectable citizens, he might go on with the election without constables—upon consideration, the Returning Officer concluded to go on with the Election, and addressed the following note to the Magistrates :—

Montreal, 21st May, 1832.

Gentlemen,

Mr. Joseph Roy and Mr. Jobin, being willing and having promised, at my request, to go to the Poll and to use every effort to preserve the peace there, it is possible that this step may be effectual ; I must, however, beg the Magistrates to have the Constables in readiness if called for.

I have the honor to be,
Gentlemen,
Your very humble servant,

(Signed) H. St. GEORGE DUPRE,
Returning Officer.

To the Magistrates, &c.

Malo stated, that on the Place d'Armes he heard it asserted that an attempt would be made to set fire to the Town, &c. &c.

Mr. Hall, consented to go to the Piquet Guard, and remain with the Officer during the night.

Messrs. Jobin and Lukin retired.

MONTREAL.

COURT OF SPECIAL SESSIONS.

Tuesday, 22d May, 1832.

PRESENT :

Honble George Moffatt,	John McKenzie,
" P. De Rocheblave,	Benjamin Holmes,
William Robertson,	Joseph Roy,
Jules Quesnel,	A. L. McNider, and
John Fisher,	André Jobin, Esquires.

Resolved, That a Meeting of the Magistrates of this City be called to-day at Three o'clock, in the afternoon, to provide for the tranquillity and peace of the City, and for other purposes.

MONTREAL :

COURT OF SPECIAL SESSIONS.

Tuesday, 22nd May, 1832.
3 o'Clock, P. M.

PRESENT :

Honble. George Moffatt,	John McKenzie,
" P. De Rocheblave,	Benjamin Holmes,
William Robertson,	Joseph Roy,
Jules Quesnel,	A. L. McNider, and
John Fisher,	André Jobin, Esquires.

Resolved, That a list of names of persons who were present during the Riot, at the Place d'Armes and St. James' Street on Monday the twenty first day of May, instant, be sent to the Coroner for the purpose of eliciting the truth in regard to the case and issue thereof.

Mr. Roy, and Mr. Jobin alone dissenting.

Resolved, That the Clerk of the Peace is hereby authorized to lay before the Coroner, should he be required by that Officer so to do, the various proceedings had by the Magistrates during the pending election for the West Ward of this City, together with the various communications from the Returning Officer, passed unanimously.

Mr. Roy has retired.

Resolved, That the Gentlemen who signed the letter, dated 20th May, and transmitted to the Magistrates by the Returning Officer, be requested in conformity with their own offer to embody the statement there set forth under oath, and that Capt. Spencer, whose name is also mentioned in said letter, be also requested to file his affidavit to the effect mentioned in said letter, viz. : P. Bibaud, S. Bagg, Wm. Ryan, Chs. T. Greece, P. E. Leclerc.

Resolved, That the Clerk of the Peace address a Letter to the Civil Secretary informing him that as soon as the Documents bearing upon the proceedings of the Magistrates touching the late Election for the West Ward of this City can be embodied, that a Copy thereof will

will be transmitted for the information of His Excellency.

The Honorable Lewis Gugy, Sheriff of this District, having waited upon the Magistrates in compliance with their request, he was informed that it would be requisite for the purpose of preserving order and ensuring the safety of the City, to Patrol the Streets or to embody a strong constabulary force for that purpose. The Sheriff stated, that it was out of his power to undertake so requisite a precaution, having no powers vested in him which would warrant his taking the measures which he deemed necessary.

M. A. Jobin dissenting and retired.

Resolved, That it is the opinion of this Meeting that necessity still exists for extraordinary precautions being taken to ensure the public peace. It is therefore, *Ordered*, that application be made to the Commandant to reinforce the Main Guard with a Piquet under the command of a Captain, there to remain from sun-down to day-light, and that a Magistrate attend to advise with the Officer in command, and that Major Gregory be required to send six men to perform the same duty which he undertook last night.

Mr. McKenzie was named and agreed to be the Magistrate in attendance this night.

Resolved, That a Copy of the foregoing Resolution be dispatched immediately by the Clerk of the Peace to Lieutenant Colonel McIntosh.

Resolved, That it be intimated to Colonel Guy, that in the opinion of this meeting, it will be requisite to Patrol the Streets and it is earnestly recommended that a Militia force of not less than 40 or 50 men under the command of a Captain be ordered nightly so to do, as long as the present excitement shall exist, and that the Commandant of Militia, Colonel Guy, be, and he is hereby solicited to comply with the recommendations of the Magistrates.

Resolved, That a Special Meeting of the Magistrates of this City be called for to-morrow at twelve o'clock for business of importance.

Montreal: June 1st 1832
At twenty minutes past 2 P. M. of Monday the 21st of May, 1832, I relieved Benjamin Holmes, Esquire, who was until that hour with Mr. Lukin in attendance with the Special Constables, at the Roman Catholic Parish Church, on the Place d'Armes, near where the Election was going on for the West Ward of this City. At that time the crowd collected near the Poll were quiet and peaceable, and continued so for about half an hour, with the exception of occasional yells and burring; at a quarter before three o'clock some fighting commenced at the opposite side of the square, near the Poll, a great crowd of people ran across the square to near the wall enclosing the space in front of the Church. Mr. Lukin, the other Magistrate on duty, and I, with a few Special Constables near us, ran out and attempted to rescue a man from among the crowd who they appeared to be beating; he was rescued and ran back again across the square; the Peace Officer assaulted in the execution of his duty, tumultuous movements and fighting commenced on different parts of the square, which we endeavoured to put a stop to, and while attempting to do so, were roughly treated, jostled and struck at; this state of tumult and rioting continued for the space of 15 or 20 minutes, several persons, constables and others, were during that time struck and severely beaten; on getting clear of the crowd near Mr. Robert Henderson's house, I saw a party of soldiers on the square, near Notre Dame Street, brought there as I understood by John Fisher, Esquire, J. P. Shortly afterwards, Mr. Lukin and I went toward them. The Officer commanding stated to me that if military assistance was required to keep the peace, it would be necessary to have a written requisition from two Magistrates. Mr. Lukin and I agreed, that (altho' we personally did not send for them,) as it was impossible for us to maintain the peace with the force of Constables under our orders, we would immediately sign the requisition; and we did so, and delivered it to the Officer commanding the party. Some disturbance continuing near Mr. Henderson's House, in company with Messrs. Lukin and Holmes, both Magistrates, I read the Riot Act at a about quarter past

Resolved, That it is the opinion of this Meeting that necessity still exists for extraordinary precautions being taken to ensure the public peace.

It is therefore ordered, that application be made to the Commandant to reinforce the main Guard with a Piquet under the command of a Captain, there to remain from sun-down to day-light to-morrow, and that a Magistrate attend to advise with the Officer in command, and that Major Gregory be requested to send six men to perform the same duty which he undertook last night.

Mr. Molson was named and agreed to be the Magistrate in attendance this night.

Resolved, That a Copy of the foregoing Resolution be dispatched immediately by the Clerk of the Peace to Lieutenant Colonel McIntosh.

A true Copy from the Minutes.

J. DELISLE,
Ck. Peace.

No. 2.

Statement of Occurrences which took place during the Riots on Monday the 21st May 1832.

COURT OF SPECIAL SESSIONS OF THE PEACE.

Wednesday, 23rd May, 1832.

PRESENT:

Hon. Toussaint Pothier, John Fisher,
John Forsyth, Joseph Shuter,
George Moffatt, Jules Quesnel,
Pierre DeRocheblave, Joseph Masson,
John Molson, Joseph Roy,
William Robertson, A. L. McElroy, and
Austin Cuvillier, André Jobin, Esquires.
Benjamin Holmes,

Messrs. Roy and Jobin left the room.

The Report of William Robertson and Benjamin Holmes, Esquires, respecting the Riot which took place on Monday last near the Poll for the West Ward of this City were received.

past three : quietness being for the time restored, we told the military to move under the portico of the Church, it being then raining heavily, and in that situation they would have some shelter and be removed from the crowd. They marched and remained there till called out after the closing of the Poll at five o'clock. Tumultuous movements, great noise and firing commencing near the end of the Montreal Bank and Mr. Henderson's House. The Honorable G. Moffatt (who came on the ground some time before) went with Mr. Lukin and the Constables where the tumult and fighting was. The noise and wild yelling increased to a terrific degree, a rush of Constables and others for refuge took place into the inclosure in front of the Church, I ran to one of the Gates to see what was going forward, when I saw persons flying in all directions through the square, pursued by a crowd throwing stones at them, a crash of breaking windows and iron doors or shutters was heard from the opposite side of the square, I saw a man laying on the Street as if dead near Mr. Henderson's grocery and liquor store, which was the house attacked. Mr. Shuter, a Magistrate ran across the square and called "for God sake bring out the troops, the mob are murdering the people, and have commenced an attack upon the houses;" at the same moment I saw Mr. Moffatt coming hastily towards me, and as I thought waving with his hand for us to advance. I spoke to Colonel McIntosh and asked him to bring out the Military to quell the Riot and save the lives and property of the Citizens then in jeopardy, as it was not in the power of the Civil authority to do so, or words to that effect, the troops advanced and formed in front of Dr. Arnoldi's house, a great number of people were then fighting and throwing stones in front of the Bank. The troops advanced in that direction, several of the Special Constables and others then rushed forward, the mob in St. James Street began to retire in the direction of the Hay Market, when they saw the Constables advanced followed by the Military, many of the Peace Officers being in front, I endeavoured all in my power to bring them back in rear of the troops. The retiring mob faced about, attacked and drove back the civilians, who, as well as the military, were exposed to the showers of stones constantly thrown at them. While in advance bringing the people back, I was obliged to retire two or three times, from the number of stones flying about, and several Special Constables were struck and knocked down by the stones, and some received severe contusions and wounds. The troops were equally exposed. When about a hundred yards past St. Francois Xavie Street, the front section of the military fired a volley, the mob having previously and being at that moment pelting them with stones. The mob then instantly ran along St. James Street towards the Hay Market and were seemingly dispersing fast.

The consequence of the fire was the death of so many and others being wounded. Measures were taken to preserve peace and tranquillity during the night and subsequently, which have hitherto happily prevented the recurrence of Riots and any further injury to persons or property, notwithstanding menacing threats which have been used to that effect.

Montreal, 29d May, 1892.

(Signed) Wm. ROBERTSON, J. P.

A true Copy,

Jno. Delisle, Ck. P.

In conformity with the Resolution passed by the Magistrates in Special Session, assembled on Sunday evening the 20th instant, I, on the Monday morning following, relieved the Honble George Moffatt, and took charge of the Special Constables within the inclosure of the Roman Catholic Church to maintain the public peace. At two o'clock, P. M., it was too evident from the shouting and accumulation of people around the Poll that disturbance was likely to arise.

P. Lukin, Esquire, the Magistrate in joint charge with myself, had not apprehended disturbance until about this time, when having returned from his own office where he had gone to sign some Affidavits, he said to me that a vast deal of excitement existed, and he feared the consequences.

Having agreed with Dr. W. Robertson, that he was to relieve me, that Magistrate came to the Church door at about forty minutes after two o'clock, upon which I remarked, that so far all was tolerably quiet, but I feared it would not continue. — I shewed him the order which had been prepared to call out the Military, observing, however, that as I was now about to leave the ground, he would have to sign one for himself. — It rained hard, and he requested me to get it copied and sent to him to sign, should it be necessary, which I did.

In a short time, having retired to my Office in the Bank, Dr. Robertson came in, in haste, to get the Copy of the requisition mentioned, and said he much feared he should be compelled to use strong measures.

I asked him if he had with him the Riot Act, he said no, and gave me the key of his Library, urging me to get it for him. I did so, and joined Dr. Robertson and M. Lukin, near the Church on the square, at which moment I observed the Troops debouching upon the Place d'Armes, it might be about three o'clock, a great degree of confusion existed and violent yells. The Officer commanding the Detachment observed to Dr. Robertson that he should be furnished with a written order to advance. Dr. Robertson spoke with Mr. Lukin, who at once admitted the necessity for the advance of the Troops, and unhesitatingly signed the requisition, leaning the paper upon my arm to enable him to write his name.

I was now requested to go forward and communicate to the Returning Officer the opinion of the Magistrates in charge that it would be advisable to close the Poll for the day. In company with Mr. Lukin, I passed through the crowd and said to Mr. St. George Dupré that it was the opinion of the Magistrates in charge of the civil power that he had better immediately close the Poll, that a great deal of disturbance then existed, that Troops were upon the ground, and it was apprehended that serious rioting would take place. Mr Lukin said something to the same effect in French.

It was difficult to approach the Returning Officer from the dense crowd; a great deal of strong language was used immediately around us. Mr. Lafontaine particularly called out *go on, go on, there is no disturbance*, altho, at the time there was cause for the interference of Peace Officers.

On returning to report at the entrance of the Church Court, Dr. Robertson, Mr. Lukin, and myself, again went forward to read the Riot Act, which was done at about a quarter past three o'clock, in the midst of the crowd near the Poll, by Dr. Robertson; it appeared to restore tranquillity, as several persons immediately

ately set about separating the parties, and urging all to be quiet.

In a few minutes after, having again returned within the inclosure of the Church, Mr. Desrivières and Mr. Normandeau came up and said they feared that Mak, a Constable, who was very obnoxious to a party, would if not removed from near the Poll, be the cause of further disturbance.

I immediately went forward, and having found the man, ordered to withdraw, he hesitated, and I threatened him if he did not instantaneously depart and place himself at the Church door. I remained about fifteen minutes when I again returned to the Bank, which having closed I went up stairs at about five o'clock to put past the keys, and from the dining room window, upon hearing a shout, I observed both Candidates with their parties depart. Mr. Bugg towards Notre Dame Street, and Mr. Tracey fairly past the Bank, upon which I observed that all was fortunately over and quiet. Continuing to look out, my eye was attracted in about too minutes, one individual making violent gestures and several stragglers on the Place d'Armes, collected around and I perceived blows struck, two men ran into the gorge of St. James Street shouting violently and beckoning Mr. Tracey's party to return, which was promptly complied with, as numbers rushed up towards the square, shouting and throwing stones.

The fray became alarming.—The Special Constables having also joined, and one man was down apparently dead near the Poll railings.—I ordered my family to retire from the windows, and the blinds I immediately ordered to be shut, and ran down to secure the door; at this moment, I heard a volley of small arms fired, at that instant a Canadian gentleman rushed into the private entrance, quite bewildered, I begged him to go up stairs, and directing my servant to stand at the iron gate, I proceeded down St. James Street to the scene of action.

Montreal, 25th May 1832.

(Signed) BENJ. HOLMES, J. P.

A true Copy.

John Delisle, Ch. P.

No. 4.

MONTREAL:

COURT OF SPECIAL SESSIONS OF THE PEACE.

Saturday, 26th May, 1832.—8 o'Clock, A. M.

PRESENT :

Honble. John Forsyth, Jules Quesnel,
" George Moffatt, Joseph Roy,
" Toust. Pothier, Benjamin Holmes,
" Pre, De Rocheblave, John McKenzie,
William Robertson, Joseph Shuter and
John Fisher, A. L. McNider, Esquires.

Resolved, That the occurrences which happened on the twenty first day of May instant, at and near the place where the Poll was held for the Election of a

citizen to represent the West Ward of the City, having, through resistance to the military authority, whose interposition had been rendered unavoidable by the overpowering of the civil force, resulted in the loss of lives, and having been attended by various acts of violence, it is essential, for the peace of the society, under the protection of the magistracy, and for allaying the excitement still prevalent, that a judicial enquiry into the circumstances of this affair should be instituted without delay, and that it is expedient respectfully to make known to His Excellency the Governor in Chief, its sentiments in this particular.

Resolved, That the Clerk of the Peace do forthwith transmit a copy of the foregoing Resolution to the Civil Secretary of the Province, to be laid before His Excellency the Governor in Chief.

A true Copy from the minutes.

JNO. DELISLE,
Ch. Peace.

No. 5.

Copy.)

Quebec, Sunday, 27th May, 1832.—10 o'Clock, P. M.

MY DEAR SIR,

Lord Aylmer having been pleased to direct that you should proceed on duty to Montreal by the first conveyance that may offer in the course of to-morrow, I hasten to give you the earliest intimation thereof, in order that you may make your arrangements for your departure previous to your leaving home to come over to Quebec in the morning, and at the same time to acquaint you, that the necessary instructions for your guidance, will be delivered to you at my office whenever you may call for them.

Be pleased to acknowledge the receipt of this by the Bearer and believe me,

My dear Sir,
Yours very truly,

H. CRAIG.

(True Copy.)

H. Craig, Secretary.

No. 6.

Pointe Lévi, 28th May,

Half past 6, A. M.

Dear Sir,

I beg to acknowledge the receipt of your favor of last evening, which has just been handed to me, conveying to me the commands of His Excellency the Governor in Chief, that I should proceed in the course of this day to Montreal. I will as soon as practicable, proceed

proceed to Quebec, for the purpose of receiving such Instructions as may assist me.

I am, Sir,
&c. &c. &c.

(Signed,) C. R. OGDEN.

Lt. Col. Craig, &c. &c. &c.

No. 7.
(Copy.)

MEMORANDUM for the Solicitor General.

The Solicitor General will be so good as to proceed at his earliest convenience to Montreal, where he will put himself in communication with the King's Counsel, and will take measures in concert with them for controlling any irregular or unlawful proceedings which may be going forward, with the view to implicate criminally the Magistrates or the King's Troops, in consequence of the recent events which have taken place at Montreal.

The Solicitor General will keep His Excellency constantly informed of the circumstances connected with his present journey to Montreal, where he will remain until he shall receive instructions to return to Quebec.

By command of
His Excellency
The Governor in Chief.

H. CRAIG,
Secretary.

Castle of Saint Lewis,
Quebec, 28th May, 1832.

(A true Copy.)
H. Craig, Secretary.

(Copy.)

No. 8.
Montreal, 30th May, 1832.

Sir,

I have the honor to inform you for the information of His Excellency the Governor in Chief, that in compliance with His Excellency's commands contained in your Memorandum of Instructions, I proceeded on the evening of the 28th instant from Quebec, and reached this City at 6 o'clock this morning.

Having ascertained shortly after my arrival, that the application of Colonel McIntosh and Captain Temple to be discharged from arrest, had been postponed from yesterday until this day at 12 o'clock, I immediately assembled the King's Counsel, Mr. Sewell, Mr. Quesnel and Mr. O'Sullivan, and after consultation, I found that we were unanimous in the opinion that the applicants were entitled to be bailed; but doubts were entertained as well upon the Law as upon the expediency, (at a moment of so much excitement,) of consenting to their absolute discharge.

It was then resolved that I should assume the conduct of the case on the part of the Crown, in doing which, I considered I was best consulting the views of His Excellency, to state to the Judges when I appeared before them at 12 o'clock this day, the hour appointed for hearing the parties, that as I had only arrived this morning, I had not had an opportunity of perusing the depositions, (27 in number,) as well on behalf of the Crown as on that of the applicants, and consequently, requested that the case should further stand over till Friday, the reasonableness of this demand having been admitted by all the parties. The Chief Justice suggested Saturday as a more convenient day, and it was so ordered.

I have the honor to be,
Sir,
Your most obedt. servt.

(Signed,) C. R. OGDEN.
Solr. Genl.

(A true Copy.)

H. Craig, Secretary.

No. 9.

Montreal, 2d June, 1832.

Sir,

With reference to my letter to you of the 30th of May last, I have now the honor to inform you for the information of His Excellency the Governor in Chief, that the opening of the Court of King's Bench this morning having been appointed as the time when the application of Colonel MacIntosh and Captain Temple to be discharged from arrest under the Coroner's Warrant should be preferred, I gave my attendance after having made myself acquainted with the facts of the case as represented by all the parties.

That His Excellency may better understand what occurred in Court I now proceed to give a Report of what passed.—The Solicitor General—“I wish to understand from the learned Counsel who represents the two Gentlemen under restraint, whether they seek an absolute or a qualified discharge,” Mr. Gale who appeared for Lieutenant Colonel MacIntosh and Captain Temple.—“I consider that both are entitled to an absolute discharge, they were called out under the civil power, they acted under it, and no sooner did they hear that a Warrant had been issued for their apprehension, than they proceeded to the Judges Chambers and there gave bail, they seek inquiry, and do not wish to shun it, they are ready and willing to give bail.”—Solicitor General, “It is my opinion that they are entitled to bail, and in this I am supported by the unanimous opinion of all the learned Counsel on either side of me, (Mr. Sewell, K. C., Mr. Quesnel, K. C. and Mr. O'Sullivan, K. C.) and I beg it to be distinctly understood, and I owe it to justice to declare it, that on the part of the Crown I have no charge against either of these Gentlemen, but as the Coroner has caused them to be arrested and has adjourned his Jury who did not agree, to the 27th August next, the day on which the Court of King's Bench having criminal jurisdiction commences, I consent to their being admitted to bail to appear on that day to abide the finding of that Jury, themselves in £200 and two securities in £100 each.

C

The



The Chief Justice—"I have only to say, that it is the opinion of this Court, that the parties are entitled to bail—it is a matter of right, therefore let the bail be taken as proposed by the Solicitor General."

Bail was accordingly entered and here the matter ended.

With a view to assist His Excellency in judging of the merits of the case, as they appeared in the investigation before the Coroner, I have the honor of transmitting a faithful transcript of the depositions, which were taken at the Inquest held by that Officer, as also a Copy of the Warrant issued by him against Colonel MacIntosh and Captain Temple, and of the Report made by him to the Judges of the Court of King's Bench, I propose to prepare and forward to you on Monday, a transcript of the Affidavits furnished by Colonel MacIntosh and Captain Temple in their justification, from all which I permit myself to hope that His Excellency will see cause to approve the course which has been adopted by me, and to consider the conduct of the accused, on this occasion, as amply justified.

I have, &c. &c. &c.

(Signed,) C. R. OGDEN,
Solr. General.

Lt. Col. Craig, Secretary,
&c. &c. &c.

A true Copy of all the proceedings had and taken by the Coroner, on the Inquest holden upon view of the bodies of François Languedoc, Cassimire Chauvin and Pierre Billet.

We, the undersigned Surgeons, certify, having examined the wounds of Pierre Billet, François Languedoc, and Cassimire Chauvin.—A few moments after the troops had fired on the people, we saw the bodies of those men lying in St. James Street of this City, covered with mud, though dead, blood was yet oozing from their wounds.—Billet received a gun-shot wound about an inch and a half above the clavicle. The ball grazed the inside of the right carotid artery, pierced the fifth cervical vertibre, and divided the spherical cord. Death, almost instantaneous, must of necessity follow such an injury. The two other wounds, one on the forehead, the other a compound fracture of the nose, were probably produced by falling. François Languedoc was shot in the right side of the chest. The ball fractured the third rib, about five inches from the sternom, entered the thorax, pierced the superior lobe of the right lung, dividing at the same time the large vessels; it then passed between the aorta, (which is slightly injured,) fracturing the body of the fifth dorsal vertibre, wounded the summit of the inferior left lobe, fractured the 6th rib, about 2 inches from the spiral column, then going through the soft parts and base of the scapula, thus making its exit out of the body. A large quantity of blood was found in the cavity of the thorax, besides that which was spilt in the street.—We have no doubt as to the cause of this man's death; it was produced by the wound above described. Cassimire Chauvin was shot through the head: The ball entered the right temporal bone, and made its exit through the corresponding parts on the left side.—In its course the ball lacerated the base of the brain to a great extent; the skull was fractured round and round. There were other slighter wounds on the

forehead and nose, but these appear to be the result of instantly falling dead from the wound first described.

Montreal, May 21st, 1832.

(Signed,) ROBT. NELSON
G. A. VALLEE.

Sworn at Montreal, 21st May, 1832,
before me,

(Signed,) J. M. Mondelet,
H. M. Coroner.

Edouard E. Rodier, Esquire, Advocate, of the City of Montreal, being duly sworn on the Holy Evangelists, deposeth and saith: Yesterday about five o'clock in the evening, after I had left the Place d'Armes of the City of Montreal, I heard say that the troops were advancing in St. Jacques Street, where I then was, together with several other citizens. And in effect I almost immediately afterwards saw Soldiers armed with their muskets, and commanded by their Officers, advancing in rank, and putting to flight all those who were before them. The troops were accompanied by a great number of persons, who, advancing on their flanks and under their protection, threw stones at those who were running away, and these too, in running away, also threw stones. When those troops were in St. Jacques Street, opposite to the house of Dr. Robertson, I saw an Officer station himself at the end of the first rank of soldiers, make a sign with his sword to the said soldiers, and I directly heard a discharge of fire-arms upon those who fled. I know one of the Officers who commanded the soldiers by sight. An instant after this discharge I saw at the corner of St. Jacques and St. Pierre Streets, a man named Cassimire Chauvin, a printer, of this City, stretched dead, killed by a ball he had just received in the head. To the best of my knowledge, his death was caused by the firing of the soldiers which had taken place. An instant after I saw another person lying dead in the same manner. The distance of the spot from whence the soldiers and that where Chauvin fell dead is about two arpents; and that where I saw the other dead person lie about three arpents. And further the deponent saith not, and the present deposition being read over to him, he declares that it contains the truth, per-

(Signed,) ED. E. RODIER.

Sworn before me at Montreal,
the 22d May, 1832.

(Signed,) J. M. Mondelet,
Coroner.

Hypolite Voyer, mason, of St. Lawrence Suburbs, being duly sworn, deposeth that yesterday about five o'clock, in the afternoon, he was near the Methodist Chapel in the City of Montreal, and saw a certain number of armed soldiers come up, commanded by two officers, who halted in the neighbourhood of the Bank, that, a short time afterwards, he distinctly heard one of the two officers abovementioned, but he does not know which, pronounce the words, present, fire, and immediately after the musquets had been fired, he saw a man fall, he ran towards the man, took him in his arms, and lifted

lifted him up. It was between Mr. Pelletier's lane and Mr. Holmes's brick-house; the deponent perceiving that he was himself bleeding, let the body fall to the ground: he has no doubt, considering the state of suffering in which this man was, that he had been wounded—that he saw several individuals, (the number he cannot say,) who from behind and from each flank of the troops threw stones against those who were going away, who, in their turn, threw stones at them; that the stones so thrown could not touch the assemblage, and that he does not believe they were in any danger, and that at the time of the firing much fewer stones were thrown than before. The deponent adds, that at the instant when the musquets were fired, he was hit by a ball in his upper lip, the scar of which remains, and he hath signed.

(Signed) HYPOLITE VOYER.

Sworn before us at Montreal,
the 22d May 1832.

(Signed) J. M. Mondelet, Coroner.

Michel Jacques, clerk, residing in the City of Montreal, being duly sworn, declares that yesterday at the close of the Poll, about five o'clock in the afternoon, he was at the Place d'Armes—That he saw Mr. Tracey go out of the place where the Poll was holding, accompanied by several individuals; That a few moments after Mr. Tracey's departure, he heard some one cry "Vive Tracey" upon which a person armed with a Constable's Staff came to him, and said to him, there was no necessity to cry "Vive Tracey," and held him by the throat and immediately the individual so exclaimed disengaged himself, and continued to cry "Vive Tracey" then the person armed with the Staff aforesaid, fell upon him who was crying "Vive Tracey" and struck him several blows with the staff, which threw him to the ground—several others, with Constables staffs fell upon him with their staffs—While these things were going on, a friend of the individual so beaten called the partisans of Mr. Tracey to assist him who had just been beaten—immediately three or four men armed with Constables Staffs arrived, and discharged several blows upon this friend, then Mr. Delisle, the High Constable held him by his cloaths, and he believes that he endeavoured to restrain him; at this very moment he found that stones were thrown by both parties, and at length he reached the Bank or thereabouts—He saw troops of armed soldiers approach—they halted at the Bank, and he having gone as far as the Methodist Church at this place, he saw that the partisans of Mr. Bagg behind the soldiers were throwing stones over the heads of the soldiers, he saw an officer come to the head of the soldiers with his sword drawn, then put himself in the same line with them, deponent was again retiring when he heard a rolling discharge of fire arms, and saw a man fall at a few paces from the first small street which leads to the Little River. He does not believe that the soldiers were in danger of their lives, deponent went to Dr. Holmes, in company with one named Dubé, who was wounded by a ball at the time of the above discharge; he saw the partisans of Mr. Tracey retreating before the discharge took place, and hath signed.

MICHEL JACQUES.

Sworn at Montreal, this
22d May, 1832, before us.

(Signed) J. M. Mondelet, Coroner.

François Tavernier, residing in the City of Montreal, Yeoman, being sworn, declares that yesterday about five o'clock in the afternoon, he was in St. Jacques Street, near Bleury Street, when armed soldiers appeared, and advancing at double-quick-time towards the Hay Market, discharged a volley and then a rolling fire from their guns, pursuing those of the Inhabitants who went before them; that immediately he saw a young man of the name of Chauvin fall in the street near the pavement, at about half an acre further he saw Pierre Billet fall also, and at some paces further François Languedoc; That he afterwards saw the said Chauvin, Billet and Languedoc dead, all three were struck by bullets at the discharge of the guns of the soldiers aforesaid. That he saw with the soldiers aforesaid an officer with a drawn sword in his hand; he believes that the soldiers had no danger to apprehend for their lives—he is certain that none of the partisans of Mr. Tracey threw stones at the soldiers at the moment they fired, that it appeared to him, that the Constables were behind the troops and throwing stones at Mr. Tracey's friends and party.

(Signed) F. TAVERNIER.

Sworn before us at Montreal, this
22d May, 1832.

(Signed) J. M. Mondelet,
Coroner.

George Perkins Bull, of the City of Montreal, Printer, who being duly sworn, deposeth and saith: he was on the Place d'Armes about the close of the Poll on the evening of the 21st instant, he saw a Riot which took place after the closing of the Poll, and saw the Troops march forward at the request of the Magistrates; as the Troops marched down St. James' street, stones were thrown at the Troops—saw Mr. Moffatt and Doctor Robertson with several of the Officers of the Detachment in front of the Troops, making signs to the mob as if entreating them to disperse;—heard some persons cry out, go home—he saw Mr. Moffatt some times in front and some times at the side of the Troops making signs, entreating the mob to disperse and waved his umbrella for that purpose;—he was in St. James' street when the Troops fired—saw a stone thrown by a person in rear of the Troops, which it is his impression was aimed at the Soldiers—he took that man into custody—thinks the Troops and the persons in their company were in danger of their lives when the former fired—heard no word of command given by the Officers to fire;—on following the Troops down St. James' street saw two dead bodies lying in said street—remarked wounds in the said bodies;—the Magistrates accompanied the Troops down the street—saw the Magistrates place themselves at the head of the Troops in their march from the Church down St. James' street—after having seen two of the dead bodies, saw a third one on his return—was not acquainted with the deceased—does not know whether they took part in the Riot;—when the Troops fired the mob faced them, and were throwing stones when the military fired—has no doubt that the stones were flung at the Troops—saw some of the Soldiers and Officers as well as the Magistrates struck by stones—Doctor Robertson and Mr.

Mr. Moffatt were struck by stones;—there were more than three Officers present—saw perhaps two or three of them struck with stones—thinks at least five Officers were present when the firing took place—there were three Officers present—thinks there may have been five. The Deponent hath signed.

(Signed,) **GEO. P. BULL.**

Sworn before me, at
Montreal, 22d May, 1832.

(Signed,) **J. M. Mondelet,**
Coroner,

of St. Pierre and St. Jacques Streets still on the left side; the troops having continued to advance, Deponent advanced with them, saw the man wailing in his blood, and dead.—That Deponent continued with the troops to the Hay Market, and there he was informed that several persons had been killed and wounded by the aforesaid firing of the Soldiers. Deponent intending to depose at a future period certain facts prior to the arrival of the troops, further saith not, he declares that the present Deposition, which he has read contains the truth, and hath signed.

(Signed) **P. LUKIN.**

Sworn before me at
Montreal, this 22d May, 1832.

(Signed) **J. M. Mondelet,**
Coroner.

Peter Lukin, Esquire, one of the Magistrates and a Justice of the Peace of this City, after being duly sworn on the Holy Evangelists, deposeth and saith: That yesterday, the 21st of May instant, about five o'clock in the afternoon at the close of the Poll, having been called upon by William Robertson, Esquire, also one of the Magistrates of this City, who had taken upon himself to continue with the troops, within the walls which divide the ground belonging to the Parochial Church from the Place d'Armes, to watch over, and keep in order the Special Constables within the said walls, there was a kind of skirmish between the Special Constables and a party of the populace, who were opposite to the House belonging to the Fabrique, occupied by a person named Henderson upon the Place d'Armes; Stones were thrown and blows with sticks were given. The Deponent immediately repaired to the space within the said walls, the detachment of troops belonging to the fifteenth Regiment which was within the said walls, and under the arcades of the said Church, immediately quitted that space of ground, crossed the Place d'Armes, and went in the direction of St. Jacques Street; that the Deponent then saw a person named Michel Deegan, cooper, of this City, who was under the custody of several Special Constables, struck behind, whilst he was thus in custody, by a young man whom the Deponent believes to be a person named George Rolland—that the Deponent then proceeded in the same direction the soldiers had taken, entered St. Jacques Street, and joined the troops opposite to St. Francois Xavier opposite the Bank, continued to march in the rear of the first division as far as the Houses of the said Dr. Robertson in the said St. Jacques Street, the Deponent still keeping the left, and endeavouring to restrain the Special Constables as well as the People; some of them threw stones in the front nearly at the distance of one acre; that then the said detachment halted; the Officers who commanded it ordered the people who accompanied Deponent on the same side of the street to halt, that they were going to fire; immediately after a discharge took place; the Officers then present were Lieut. Col. McIntosh commanding the said 15th Regiment; Captain Smith and two other Officers, whom Deponent cannot name, but whom he knows by sight. That on the other side of the Street on the right and near the said Lieut. Col. McIntosh, was the Honorable George Moffat, the said Mr. Robertson, and as well as Deponent remembers, Jules Quesnel, Esquire; Deponent cannot say who ordered to fire on the people, nor at whose command it was given, but that the said order was given from the right side near the house of the said Mr. Robertson, and without the participation of the said Deponent, one of the Magistrates on duty on that day—immediately upon the smoke disappearing, Deponent saw lying on the ground a man at the corner

William Lyman, Master Mason, residing in the St. Lawrence Suburbs of the City of Montreal, being duly sworn, declares that yesterday about five o'clock in the afternoon, he was in company with Francois Languedoc near the Hay Market. That while conversing with the said Languedoc, he saw armed Soldiers advancing towards them and on the instant heard the discharge of their muskets; that he immediately left Languedoc to hide himself near the pavement. That having returned to the place where he had left the said Languedoc, he found him lying in the same place without life. That the reason he endeavoured to conceal himself was to avoid being struck by the balls which he heard whistling about his ears; that nearly half an hour afterwards he saw one Pierre Bilet also dead.—Deponent declares that he cannot sign. He adds that one of the balls went through his hat.

Sworn before us at
Montreal, the 22d May, 1832.

(Signed) **J. M. Mondelet,**
Coronere.

George Doyle, Watch Maker, residing in the City of Montreal, being duly sworn, declares that yesterday between 5 and 6 o'clock, he saw Soldiers carrying arms in St. Jacques Street, beyond the House of Dr. Robertson, and that at the corner of St. Jacques and St. Pierre Streets, shortly after the discharge of the soldiers muskets, he saw lying dead the body of a young man who he afterwards heard to be Chauvin;—that he assisted in carrying the body, which at first he laid in a house, and afterwards in a shed at the corner of St. Sacrement and St. Pierre Streets, he remarked that the deceased had a wound in the forehead, that at the place in St. Jacques Street where the body was lying, when he took charge of it,

it, there was a great quantity of blood on the ground—and Deponcon declares that he cannot sign.

Sworn before us, at
Montreal this 22nd May, 1832.

(Signed) J. M. MONDELET,
Coroner.

bodies lying dead, and from the wounds he saw on the said bodies, it is his belief that they were inflicted by the discharge of the fire arms which he had previously heard;—and that he would know the Officers who commanded the Troops were he to see them again, but does not know them by name;—he did not hear the word of command given to fire;—that he has heard the name of one of the deceased to be Languedoc, who was an old man, as well as another, the third one was a young man. The Deponent hath signed.

(Signed) JOHN FLAGHERTY.

Sworn at Montreal, 22nd May 1832.

(Signed) J. M. Mondelet,
Coroner.

Alexander Noon, of the City of Montreal, Tailor, being duly sworn, deposeth and saith, that yesterday evening about one hour before the Poll was closed, he saw one Malo winding his stick at a man opposite to him, who held up his umbrella to defend himself, there were several other persons standing behind Malo, who also brandished their sticks.—That he the Deponent put his hands on Malo and said, you are a Peace Officers, do not break the Peace.—On saying which Malo struck him with his stick;—after which he retired to get washed, and then returned to the ground;—did not see any murders committed;—heard shots fired—cannot say who fired the shots;—saw stones thrown by both parties—the Deponent hath signed.

(Signed) ALEXANDER NOON.

J. M. Mondelet,
Coroner.

Antoine C. des Fortin, Printer, residing in the City of Montreal, being duly sworn, declares that on the 21st instant, after the close of the Poll, he happened to be in St. Jacques Street, where the discharge of the Muskets of the Soldiers who were there took place—and that immediately after this discharge he saw Casimire Chauvin fall near him, being struck in the head by a ball, and in a few minutes after he expired. Deponent adds that he was in front of the deceased, and at the corner of St. Pierre and St. Jacques Streets, and that a ball went through his hat, which he however did not perceive till some minutes after the Troops were in motion, when he saw them keep up a rolling fire.—Deponent hath signed, and he adds that he saw the people who were before them flying.

(Signed) A. C. FORTIN.

Sworn before us, at
Montreal this 22nd May, 1832.

(Signed) J. M. Mondelet,
Coroner.

Richard Fogerty, of the City of Montreal, labourer, being duly sworn, deposeth and saith, that yesterday evening when the Poll was closed, he was in St. James Street, where he saw Troops march up as far as Dr. Robertson's house in the said street, and heard an Officer commanding the said Troops say to his men, make ready—a Sergeant said to the Officer, the mob are dispersing—when the Deponent retired down to the Creek in rear of the town where he heard a discharge of fire arms—does not know the Officer Commanding the Troops—did not see any person speaking to the Officer who gave the command above mentioned to make ready—the Deponent declares to be unable to sign his name—he adds that he does not know the Officer by name, but would know him if he saw him again.

Sworn at Montreal,
22nd May 1832.

(Signed) J. M. MONDELET,
Coroner.

John Wood, of the City of Montreal, Merchant, being duly sworn, deposeth, and saith: That a little before 5 o'Clock in the afternoon of the 21st instant, he went to the poll—he saw the Troops march across the Place d'Armes—when the mob were opposite the Methodist Chapel, the Troops were at the corner of the Place d'Armes—the mob were then throwing stones—the Troops then marched on and the mob continued throwing stones towards the soldiers and at those persons behind them. The soldiers marched forward till they reached Mr. Armour's—stones were still flung by the mob—the Troops again marched further on—when they halted again—stones were flung all the time—from the gestures of one of the Officers, firmly believes that he was requesting the mob to retire—but the stones were flung the faster—did not distinctly hear any words—a firm stand was then made by the mob; after this the Troops fired—saw an Officer speak to the Troops previous to the firing, but did not distinctly hear any words of command given to fire by the Officer. The mob retired immediately after the fire—the front rank of Soldiers marched on as far as the American Church after

—after this on walking down the streets, saw three men dead—before the fire, saw Constables before and behind the Troops—did not see any stones thrown by the Constables behind the Troops, but did see a great many stones flung by the mob, who were in front of the Troops—saw the stones from the mob who were in front of the Troops pass over their heads—he was standing very near in a line with the Troops—he conceived himself as well as the Troops in danger from the stones that were flung—conceives the Troops as well as himself were in danger of their lives from the stones flung—saw some of the Constables who were wounded, but did not see them received—did not remark the wounds on the bodies of the deceased above mentioned—after the fire, he saw Mr. Moffatt down near the creek—cannot say whether the Colonel of the Regiment was present—cannot positively say he saw any of the Soldiers or Constables struck by the stones. The Deponent hath signed.

(Signed) JOHN WOOD.

Sworn before me, at
Montreal, 29th May, 1832.

(Signed) J. M. Mondelet,
Coroner.

A. Carlisle Buchanan, of Montreal, being duly sworn, saith: that on Monday last at about 5 o'clock, P. M. I was standing on an elevated position in the Place d'Armes, up some steps next to Dr. Arnoldi's House, I saw Mr. Tracy's party coming into the square, and make a circuitous turn as far forward as Hilton & Baird's shop. I have been at the close of the Poll frequently and have never seen the same route taken by that party before, as it was not their direction home—I remarked at the same time to Mr. W. Ermatinger, who was standing with me, that I was sure Mr. Tracy's party intended to attack the Constables—I then observed a number of persons of Mr. Tracy's party, shouting, screaming and shaking their fists, clubs and umbrellas at the Constables, who were quietly standing on the other side of the square—some of the Constables then ran forward to protect some of their party who were in the crowd, who I then understood had gone to secure the retreat of Mr. Bagg from the Poll, and on this I observed that the Constables were regularly attacked by Tracy's party with stones and were drove back into the square, as well as all those who went to assist them. I then retired near the Troops and remained until the Constables returned for assistance, the Soldiers then marched out as far as the Bank, where they halted. Tracy's party continued to pelt them and the Constables with stones, which were coming in showers. The Troops then advanced as far up St. James' street as the House of Dr. Robertson, where they again halted, and the next thing I heard was the firing. I was a short distance behind the Soldiers before they fired, and the mob continued to pelt them with stones until they did so. Many stones passed me when I was following the Troops, which I have no doubt was directed at them and the Constables.

(Signed,) A. CARLISE BUCHANAN.

The Deponent further adds, that he thinks the lives of the Troops were in danger before they fired. I think the only manner of preserving the peace was by

firing on the mob—did not see any persons in rear of the Troops throwing stones—when they fired he was between Mr. Armour's House and Dr. Robertson's—might be about 50 yards in rear of the Soldiers—did not notice any Magistrates accompanying the Troops—did not notice any Magistrates on the Place d'Armes when the Troops marched across.

(Signed,) A. C. B.

Sworn before me, at
Montreal, 29th May, 1832.

(Signed,) J. M. Mondelet,
Coroner.

Thomas Michel Smith, of the City of Montreal, Merchant, being duly sworn, deposeth as follows: that about 5 o'clock in the afternoon of Monday the 21st day of May, he was standing at the door of the shop of one Robert Henderson, Grocer, on the Place d'Armes, near the place where the Poll was being held for the election of a Member for the West Ward of this City, when a vast number of persons approached the Place d'Armes from St. James' street, and in a most violent, riotous and tumultuous manner, assaulted himself and the other persons at the time at the door or inside the door of the said shop, by throwing stones in at the door and windows of the said shop, so as to endanger the lives of himself and the other persons there present: That some of the stones then thrown, struck various persons who were in the shop at the time: That while this assault continued he saw some of the Troops under the command of Lieutenant Colonel McIntosh, who had been previously posted under the Porch of the Parish Church, move from their position towards Dr. Arnoldi's house, and at the same time the assault upon the shop in which he was, ceased, the mob retiring down St. James' street: That this Deponent verily believes that had this movement of the Troops been delayed many minutes, the mob would either have murdered or done some grievous bodily injury to this Deponent and the other persons who were obliged to take refuge in the said shop: That upon the mob retiring down St. James', followed by the military, this Deponent came out of the shop and stood on the pavement close to the west windows of the same: That after the lapse of a few minutes, he heard the report of musketry, but under what immediate circumstances, the said musketry were fired, this Deponent knoweth not, he having remained close to the shop during the progress of the mob down St. James' street. And further this Deponent saith not.

(Signed,) T. M. SMITH.

Sworn before me, at
Montreal, 29th May, 1832.

(Signed,) J. M. Mondelet,
Coroner.

William Caldwell, of the City of Montreal, Physician and Surgeon, being duly sworn, deposeth and saith:—That on Monday afternoon last, about 5 o'clock, as he was

was standing at the door of Robert Henderson, Grocer, in the Place d'Armes, he heard several huzzas proceeding from the friends of the two Candidates then retiring from the Poll Room; a scuffle ensued between two people in the Place d'Armes, when the Special Constables went forward to interfere, and were immediately attacked by those who had proceeded from the Poll-room, (attendants of Mr. Tracy,) with stones, and beat back. The mob also, immediately commenced throwing stones into Mr. Henderson's windows, and into the doors then open; one man standing immediately behind the Deponent was struck by a stone and his head severely injured—several others and also the Deponent were struck by the stones; and from the violence of the excitement and the imprecations then made use of, such as "have at their heart's blood," &c. the Deponent has every reason to believe that every individual in the shop would have been destroyed had the military not advanced and driven back the Rioters. The Special Constables were completely overpowered, the military were assailed with stones by the retiring mob throughout the whole of their advance from the Place d'Armes until they fired; though repeated cautions were given by the Commanding Officer. Further the Deponent saith not.

(Signed,) W. CALDWELL.

Sworn before me, at
Montreal, 23d May, 1832.

(Signed,) J. M. Mondelet,
Coroner,

The Deponent adds that he thinks the lives of the Citizens and Troops were in danger from the stones flung, some of which were large—saw Col. M'Intosh, Capt. Temple, Lieut. Dawson and Major Pritchard on the ground—saw stones come over the heads of the Troops which were evidently flung at them;—saw several Magistrates, Mr. Shuter, Dr. Robertson, Mr. Moffatt—thinks he saw Mr. Lukin also—was directly behind the Troops when they fired—did not hear any word of command given to fire—cannot say at what distance the mob were at from the soldiers.

(Signed,) W. C.

(Signed,) J. M. M.
Coroner.

dows broken, and several stones were seen, by the Deponent sent into the shop. The mob then again retired down St. James Street, throwing stones as they retired. The Deponent then saw the Troops advancing, preceded by the Constables and other persons who were throwing stones at the mob. The Troops opposite the Museum halted for a moment, advanced, and halted at Dr. Stephenson's corner, when the Street was cleared as much as possible of all who were in front of the Troops, who then again advanced till they halted opposite Dr. Robertson's. The mob were then opposite Mr. Holme's house, and were still throwing stones. One or two individuals in front of the Troops still kept their fire of stones upon the mob, but they were taken away, and shortly after the Troops fired. Several stones were thrown at the soldiers before they fired; and with a few exceptions, the Deponent saw no symptoms of the mob dispersing, or ceasing their violence. When the mob was opposite the Deponent's residence, he saw Mr. Lafontaine endeavoring in vain to prevent several of them from throwing stones. The Deponent having seen the whole affair from the first advance of the mob from the Place d'Armes to the time when the military fired, he can say that they fired only with a view to allay the riot, which was then existing and had continued for some time, to the danger of the lives and properties of several citizens. And further saith not.

(Signed,) ROBT. ARMOUR, jun.

Sworn before me this 23d May, 1832.

(Signed,) J. M. Mondelet,
Coroner.

Monday last the 21st instant, in the forenoon, being in my room up stairs, I saw from my windows a great uproar at the place where the Poll was holding, which however subsided in a few moments. A short time after that, I saw several persons pursuing a young man with a blue coat on; he had a thousand difficulties in escaping blows from sticks and fists which were made at him. He had the good fortune to obtain shelter at Mr. Henderson's, who opposed his persecutors; for from the manner in which they pursued him, they would have torn him in pieces. Towards the afternoon the crowd and the tumult increased, and Constables were loudly called for; several of them sallied from the place where they were accustomed to retire, to the scene of riot. Mr. Malo, one of the most active of them, found himself surrounded by a crowd of rioters, who beat and maltreated him, and tore his coat; he was at length assisted by others. I was then standing on the step of my door, and it appeared evident to me that the crowd were gaining the ascendancy over the civil authorities, for the Constables were driven off with stones, and many respectable citizens took refuge in Mr. Henderson's house. The infuriated populace assailed the house with sticks and stones, &c., broke the glass in the windows, and endeavored to force their way in, to beat the persons who had run there for protection; and I firmly believe that if the crowd had entered, murder would have been committed; and it was only when the cry was made for Soldiers that they desisted. It might then have been near five o'clock. I thought that the Poll was closed, seeing that the crowd

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Robert Armour, jun., of the City of Montreal, advocate, being duly sworn, deposeth and saith: That on Monday afternoon last, a little after five o'clock, he was looking out of one of the windows of the house in which he resides, in St. James Street, when he saw Mr. Tracy, one of the Candidates for the West Ward, and his friends advancing from the Poll along St. James Street; when about opposite Dr. Robertson's the party halted, some of them calling out for them to return and attack the Constables who were advancing from the Place d'Armes. A large number immediately took up the stones from the Street, advanced upon the Constables, stoned them, drove them back to the Place d'Armes, and several took refuge in Mr. Henderson's shop, others running away by St. James Street. An attack was made upon Mr. Henderson's shop, his win-

and Mr. Tracey were going towards the St. Antoine Suburbs, as they were accustomed to do. I set out to go see my daughter, Madame Holmes, but in turning the corner of Dr. Henderson's house, I found myself in the midst of a crowd, who were running hastily away from another crowd, who were pelting them with stones, and I was satisfied to retrace my steps, and to save myself in the door-way of Mr. Dubois from the stones that were flying as thick as hail. From this place I saw the Troops forming themselves in the centre of the place, and when they advanced I accompanied them as far as the Methodist Church, or a little further, where they halted, having approached so near the rioters that many of their missiles struck the soldiers, for the populace in their retreat did not cease throwing stones. They were several times loudly and for a long time together called to retire and clear the Street. During this time I distinguished Mr. Lafontaine at the head of the crowd; he, as well as I could perceive, exerted himself as much as possible to prevent them from throwing stones, and I even believe that he owes his life to the stupidity of a Constable who came slowly walking towards the Troops. There was a thousand difficulties in making him understand to put himself out of the road; immediately the Troops fired, standing where they were. The crowd having dispersed, I went forward, and I saw a man wounded, who died on the steps of the door of Mr. Wragg, and I saw another man dead at the corner of the small street. Shortly after that I went home. From what I saw, and the degree of fury which the assailants had manifested, it was evident that the Civil Authority was not competent to repress their excess; and I firmly believe that it was in consequence of the interference of the Troops that the City was saved from pillage and bloodshed, as the description of rioters was almost entirely composed of the lowest class of Irish, and we have to congratulate ourselves on the firmness of the Magistrates and the energy of the Military.

(Signed,) DL. ARNOLDI.

Sworn before me at Montreal,
this 23rd May, 1832.

(Signed,) J. M. MONDELET,
Coroner.

I, John B. Finlay, of the City of Montreal, Gentleman, depose. That on Monday the 21st instant, I was at the Place d'Armes at the closing of the Poll—I was standing opposite the Parish Church. I saw Mr. Tracey's party come out from the Poll, and there appeared to be great commotion among them. They did not go directly home as usual, but advanced into the Place d'Armes, with an intention, I have no doubt, from their gestures, of insulting and striking the Constables who were peaceably standing in the square. The first thing I then saw was a shower of stones thrown from the mob towards the Constables and the people standing near them; and an attack by the mob upon the house occupied (I believe) by Mr. Henderson the grocer. Fast after this there was a general cry for the Troops; I then saw the Troops advancing towards St. James Street, and I then followed them. The crowd, I observed before the Troops, who were then stationed opposite the Bank, were throwing stones towards the Soldiers. The Troops then advanced as far as Dr. Robertson's house, where they again halted—the crowd

before still continued to throw stones, many of which I saw strike the Soldiers, as I was close to them at the time, and I saw one stone in particular strike Colonel McIntosh on the breast; previous to which I heard several calls from persons who appeared to be in authority to clear the streets, but several of the mob still continued to advance upon the Soldiers, throwing stones; I then heard the firing, and observed the mob afterwards making towards the Hay Market. I followed the Troops as far as the Hay Market, and left the place.

(Signed,) JOHN B. FINLAY.

The Deponent adds that he heard Dr. Robertson and Mr. Shuter, Magistrates of this City, cry out to the mob to disperse and clear the streets: Saw Col. McIntosh making gestures to the mob as if wishing them to disperse, and thinks he heard the Colonel's voice; he thinks decidedly, that the lives of the Troops were in danger when they fired, and that it was the only means of preserving peace. After the firing he saw one body lying near Mr. Wragg's house, and another body near St. Peter's Street; cannot say whether there were any Constables following the Troops, but saw a number of people both before and behind the Troops: Saw no stones flung by the party in company with the Troops; but several stones were flung by the party retiring before them.

(Signed,) J. B. F.

Sworn before me at Montreal,
23d May, 1832.

(Signed,) J. M. MONDELET,
Coroner.

Alexander Robertson, of the City of Montreal, Gentleman, maketh oath and saith, that he this Deponent left the Office of the "Bank of Montreal," in the said City, about $\frac{1}{2}$ past 4 of the Clock, in the afternoon of Monday the twenty first day of May, 1832, and proceeded forthwith to the south side of the Place d'Armes, in the said City, where he remained in conversation with some friends until the hour of 5, at which time he observed the crowd in front of the Engine House, (these being used as a Hustings or Poll both for the election of Representative in the House of Assembly of the Lower Province of Canada, for the West Ward of the said City of Montreal,) beginning to move off, that he then instantly advanced into the midst of the mass of people, in order to witness the retirement of the Candidates and their respective friends and partisans, that he saw Mr. Tracey and his friends make the tour of the whole footpath from the said Engine House to the corner of the Grocery Store in the Place d'Armes, occupied by Mr. Henderson—and advance a few yards into the square before turning to go down St. James Street. That a large portion of the persons surrounding Mr. Tracey, appeared to this Deponent in a state of great excitement—pushing any one in their way violently aside and flourishing sticks and umbrellas about—by one of the latter of which this Deponent received a severe blow on the side—though he believes it was not intentionally aimed at him. That this Deponent then retired to the body of Constables and other individuals standing along the south side of the Place d'Armes aforesaid,

aforesaid—in the front of whom he particularly noticed Joseph Shuter, Esquire, (whom this Deponent has been informed and believes to be a Magistrate of the City of Montreal,) actively engaged to the best of this Deponent's observation in repressing any attempt at violence on the part of those persons around him, and preventing them coming into collision with the opposite party which appeared to this Deponent very likely to be the result if not the intention of the course Mr. Tracey and his friends had taken in leaving the said Engine House, for the main body of the supporters and followers of that gentleman was thrown within a few steps of the spot where the greater part of the constabulary force, and the supposed supporters of Mr. Bagg were standing—that at this moment this Deponent remarked a high degree of feverish excitement to exist all around him, but more specially among those who brought up the rear of the Tracey party, as they were following the Candidate in his way out of the square, but that up to this period he had not observed much more than violent gesticulation and apparently warm and menacing language on the part of the receding crowd—that scarcely however had the main body of them got so far down St. James Street as to be wholly out of the view of this Deponent, from the position he occupied at that moment, leaving only a few stragglers in sight, who appeared to be merely using vituperative language to their opponents—there he saw a person, whom this Deponent judged to be a constable, from the fact of his holding a baton or blue staff in his hand, engaged in altercation with not more than six persons, most of them boys or very young men threatening them with his staff and endeavouring to drive them away. That he then heard another individual, also holding a similar staff in his hand, call out to the above Constable to forbear and come back. This Deponent cannot state what had previously occurred between the above Constable and the few persons with whom he was engaged in partial conflict, to justify any exercise of authority on his part,—but he is of opinion, from what he actually did see, without alluding to subsequent consequences, that it would have been more judicious on the part of the above Constable, had he at once retired among his fellows and allowed the ebullition of feeling on the part of the few individuals with whom he had brought himself in contact to expend itself in words, which it probably might have done—and this Deponent further saith that his attention continued to be riveted to this little scene, as individuals from both parties soon came forward and partook in the squabble—which every moment assumed a more threatening and dangerous aspect from the increasing numbers and the acts of violence to which the combatants had recourse. That he then went forward in order the better to observe this tumult and the position of the retiring party, but that his attention was attracted immediately towards a man, apparently stunned by a blow, laying upon the ground about half way between the said Engine House and the corner of the said Grocery Store, that he was however forced to retire when within a few steps of the body to render assistance, by a shower of stones thrown by the persons who previously followed Mr. Tracey into St. James Street; on looking in that direction he observed them gathering those missiles from off the macadamized road, in front of the Bank, and throwing them upon the persons nearest to them in the square, and that as these retreated the others seemed emboldened to pursue them.—That at this time the Riot became universal, and the Tracey party were driving their opponents before them, and casting stones into the windows of Mr. Henderson's Store, into which several persons had fled for refuge—and in every direction where they

could reach the fugitives. This Deponent further saith, that he verily believes that the civil power he then saw on the ground was wholly inadequate at this time to have repressed these riotous and dangerous proceedings, for with few exceptions the constabulary force and the persons who had been standing chiefly as spectators along the south side of the Place d'Armes had dispersed, and fled into the Court of the Catholic Church, calling loudly for the interposition of the troops—and had not this demand been as promptly complied with as it was, this Deponent verily believes that numbers would have been seriously injured, if not killed on the spot by the rioters. That he followed the troops from this period up to the time the order was given to fire, during the whole of which interval the Tracey party, though retreating before the military, continued to throw stones upon the troops as they advanced as well as upon those few persons who had previously been repelling this outrage by similar means. That he, this Deponent can from his personal and close observation bear testimony to the coolness and forbearance of the troops up to the time they fired, notwithstanding their being exposed to showers of stones—and he further saith, that he verily believes that the discharge of fire arms against the rioters, though so fatal in its result to a few persons, was imperatively called for as the only measure at hand which could put an immediate end to the Riot, and thereby secure the lives and property of many of His Majesty's loyal and peaceable subjects—and this Deponent lastly saith, that he is not an Elector of the West Ward, that he has no personal acquaintance with either of the Candidates at the late Election, and that he never at any period of its continuance took any part in the proceedings of the last Election.

(Signed,) ALEX. ROBERTSON.

Sown before me, at Montreal,
23d May, 1832.

(Signed,) J. M. Mondelet,
Coroner.

Jacob Abdella, of the City of Montreal, Trader, who being duly sworn, deposeth and saith: That he was on the Place d'Armes, about five o'clock in the afternoon of the 21st day of May instant; he was present when the Poll closed; he went down towards Captain Piper's, heard a noise behind him, and returned to the Poll—where stones were thrown by both parties—heard John Fisher say, When the troops reach Dr. Robertson's house, they will get further orders—previously, when the troops marched forward they were accompanied by the Constables, and other persons who threw stones. Heard Mr. Fisher add, that the troops should clear the ground of the rebels; the soldiers halted across the street opposite Dr. Robertson's, where the gentlemen with blue sticks went in front of the soldiers, took up stones and threw them, there were three officers on the right of the soldiers—the opposite party who were retiring picked up stones & flung them at the party in the rear; saw officers whispering to each other—saw one officer get up to speak to the soldiers and afterwards he returned to the right. The soldiers then commenced firing from the centre to the right; did not hear any command given to fire—from the left the soldiers fired afterwards a running fire. The deponent thought the shots were only blank cartridges—until he heard the balls whistle over him. Shortly after, walking down the street, he saw
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a young man dressed in blue lying on his face dead—a little further on the right he saw another man dead—does not know their names—further on, he saw an old man lying dead and bleeding—does not know where these men were wounded. The blood was flowing from each of the bodies—he saw these then dead after the discharge of fire arms had taken place—when the stones were flying does not think the lives of the troops were in any danger—the army marched down quietly to the Hay Market—before the firing commenced the persons in rear of the troops went in front of the troops and there flung stones on the party who were retiring. The deponent declares to be unable to write his name.

Sworn before me, at Montreal,
23d May 1832.

(Signed) J. M. Mondelet,
Coroner.

bullets, which fell in the mud at the feet of Mr. John McDonnell who was at the moment a little more advanced into the middle of the street, where the deponent concluded that the discharge had been a rolling fire—The deponent never thought that the troops were in danger, and he believes they were much less so when the command to fire was given as the people were at such a distance as to place them beyond the reach of the stones which those who were running away did throw at them. Further deponent saith not; having read the present deposition he declares the same to contain the truth, persists therein, and hath signed.

(Signed) JOHN MONDELET.

Sworn before me, this
23d May, 1832.

(Signed) J. M. Mondelet,
Coroner.

Mr. John Mondelet, of Montreal, Student at Law, being duly sworn, saith and deposeth: That on Monday the 21st Instant near a quarter past five in the afternoon, having repaired, in company with a great many respectable citizens, to escort Dr. Tracey, he heard near the Bank, where he then was, many persons whom he knew as being of Dr. Tracey's party, exclaiming several times "They are killing our friends! Help! Help!" he then left Dr. Tracey and went in the direction in which the greatest number of the persons went, who were in this quarter of the City; having arrived on the Place d'Armes, he saw that the partisans of Messrs. Tracey and Bagg were engaged in desperate conflict and throwing stones at each other—Deponent then encouraged the partisans of Dr. Tracey to give up fighting and to rejoin the latter, whom they had almost left by himself—many persons then dispersed themselves and the greatest number turned off towards St. Jacques Street—Hardly had deponent arrived opposite Dr. Robertson's, when turning round to see if the partisans of Mr. Bagg were pursuing them, he perceived them running towards his party and throwing stones, and accompanied by a detachment of the 15th Regiment now in Garrison in this City, composed of soldiers drawn from the Flank Companies. The whole commanded by Col. McIntosh and Captain Temple, both with drawn swords. Deponent was standing a little higher than the corner of St. Pierre Street, when he heard Col. McIntosh, who was, with Captain Temple and his detachment, between Dr. Robertson's & Captain Piper's, say something to his soldiers, which he could not understand; immediately he saw the said Col. McIntosh lower his sword, looking at his soldiers, who at the same moment presented their muskets and took aim at the partisans of Mr. Tracey, who were at the moment in full flight. Deponent, upon seeing the muskets directed towards him and those who were in the same part of the street, ran and hid himself behind a heap of stones, where, hardly arrived, he heard the discharge of the muskets of the detachment in question, and the whistling of the bullets which passed above his head, and lodged in the fence just by him. Deponent having taken the discharge above mentioned for a general discharge instinctively moved forward, and to his great surprise, on his way and on his arrival near the Presbyterian Church, where he rejoined Messrs. McDonnell & Cherrier, heard another discharge of muskets and the whistling of more

John Jones, of the City of Montreal, Merchant, being duly sworn, deposeth and saith, that on Monday last, the 21st day of May instant, I attended the Poll at the Place d'Armes, off and on, during the whole day; whenever I approached the Poll I was grossly insulted by Mr. Tracey's party, and curses were heaped upon me in profusion. I was present at about half past two P. M. when I saw a mob, partisans of Mr. Tracey, quit the Poll and attack a party of Mr. Bagg's friends and Constables on the side of the Square. The troops came down on this occasion from the Guard House and remained in the Square; I should think about 20 minutes—and then retired in front of the Church—I saw Dr. Robertson, Mr. Holmes and I think another person proceed in the midst of the mob before the Poll, and I saw Dr. Robertson with a book reading as I supposed the *Riot Act*.—After the occurrence I entered into the Poll room and remained there until the adjournment of the Poll. Whilst there I observed till the close of the Poll a disposition manifested on the part of Mr. Tracey's party to create disturbance. At the close of the Poll Mr. Tracey left first and his party followed, sweeping the pavement and making an advance into the Square, a direction I had never seen them take before, as I have attended the close of the Poll daily since the commencement of the Election. This I have no doubt was done with intent to menace Mr. Bagg's friends who were standing at the corner of the Square awaiting Mr. Bagg's retirement from the Poll. At the time Mr. Bagg left the Poll Mr. Tracey was nearly opposite the Poll. I placed myself on a bar at the Poll, I observed many persons picking up large stones (of Mr. Tracey's party,) I jumped down and joined Mr. Bagg's friends at Henderson's corner, when we were generally attacked by a large number of Mr. Tracey's partisans with stones and other weapons, and we were driven in all directions—and I was in great danger of my life.—This continued at least five minutes, after which the troops were called for and remained drawn in a line across the square. The mob still continued to throw stones and to assail Mr. Bagg's party—upon this the troops advanced nearly opposite the Poll, where they halted. At this time I observed Mr. J. Shuter, one of the Magistrates, calling out to the mob to desist—but it had no effect—he was obliged to turn his back, which was literally covered with

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with stones.—The troops continued on and stopt before Dr. Robertson's House. Whilst passing the Methodist Chapel the Soldiers were assailed with stones and other missiles from the Creek side as well as from the mob in front of them in St. James Street. I saw the Officer who was in command advance before the troops at least 20 paces, desiring them, as I should suppose from his gestures, to disperse, but they paid no attention to this, and the stones were still thrown. After the commanding Officer had done all that apparently could be done to quiet the mob and disperse them, he retired to his troops—I saw the troops fire—after which stones were no longer thrown, and the mob ran towards the Hay Market. I did not proceed further, but retired.

(Signed) JOHN JONES.

Sworn at Montreal,
26th May, 1832, before me,

(Signed) J. M. MONDELET,
Coroner.

so doing this is your warrant. Given under my hand
and seal this 26th day of May, 1832.

(Signed) J. M. MONDELET,
H. M. Coroner. L. S.

A true Copy from the original.

(Signed) Benjamin Delisle,
High Constable.

DISTRICT OF }
MONTREAL.

COURT OF KING'S BENCH.

To the Honorable the Chief Justice and others the
Justices of the said Court.

May it please your Honors:

The undersigned has the honor to state, that on the 22nd of May last, he did, as His Majesty's Coroner for this District, swear in twelve Jurymen to enquire when, where and how, Francois Languedoc, Pierre Billet and Casimir Chauvin lost their lives on the 21st of the month of May aforesaid: That the inquest was continued from day to day, and that after an enquiry which lasted two days, the Jury made two Special Reports, which do not conform to the verdicts which the Law requires to be given, and which must be rendered unanswerably.

That then, and on that account, the Inquest was deferred until the 22d of August following, and that it was considered necessary by the said Coroner, although he had received no regular verdict from the Jury to issue his Warrants for the apprehension of Lieut. Col. M'Intosh and Capt. Temple of the 15th Regiment, founded upon the evidence taken during the said Inquest, which testifies that the death of the three deceased persons above said, was caused by the firing of the muskets of a detachment of the said 15th Regiment, commanded by the said Lieut. Col. M'Intosh and Capt. Temple; and that the said Lieutenant Colonel M'Intosh and Capt. Temple were in consequence apprehended.

Done at Montreal the 2d June, 1832, and given under my hand and Seal.

(Signed) J. M. MONDELET,
Coroner.

L. S.

No. 10.

Montreal, 4th June, 1832.

Sir,

Agreeably to the intimation expressed in my letter to you of the 2d instant, I now do myself the honor of transmitting for the information of His Excellency the Governor-in-Chief, a transcript of all the Affidavits

DISTRICT OF }
MONTREAL.

J. M. MONDELET, Esquire, H. M. Coroner for the
District of Montreal.

To Benjamin Delisle, Esquire, High Constable, and
to each and every other Peace Officer,—GAZETTE:
ING :—

Whereas, by the Evidence given to the Jury duly sworn and charged to try and enquire, on the behalf of our Sovereign Lord the King, how, when, where and by what means Francois Languedoc, Pierre Billet and Casimir Chauvin, of the City of Montreal, came to their deaths in the afternoon of the 21st day of May instant, on view of the bodies of the said Francois Languedoc, Pierre Billet and Casimir Chauvin, and according to the testimony of evidence of several witnesses duly sworn; A. F. McIntosh, Esquire, Lieut. Col. commanding His Majesty's 15th Regiment, now quartered in the said City of Montreal, and Henry Temple, Esquire, Captain in the Regiment aforesaid, are accused of having in the afternoon of the 21st day of May instant (being at the head of a detachment of the Regiment aforesaid, and commanding the same in St. James Street in the City aforesaid,) ordered the armed soldiers composing the said detachment to fire off and discharge their muskets loaded with ball cartridges, by which said discharge of the muskets aforesaid the said Francois Languedoc, Pierre Billet and Casimir Chauvin came to their deaths in the said street; these are therefore, by virtue of my office, in His Majesty's name to charge and command you or any of you forthwith safely to convey the bodies of the said A. F. McIntosh and Henry Temple to His Majesty's Common Gaol, and safely to deliver the same to the keeper of His Majesty said Gaol; and these are likewise by virtue of my said office in His Majesty's name to will and require you, the said keeper, to receive the bodies of the said A. F. McIntosh and Henry Temple into your custody and them safely to keep in the said Gaol until they shall be thence discharged in due course of law, and for your

Affidavits which accompanied the Petitions of Lieutenant Colonel MacIntosh and Captain Temple to be discharged from arrest.

I have, &c. &c. &c.

(Signed,) C. R. OGDEN.
Sol. Genl.

Lieut. Col. Craig, Secretary.
&c. &c. &c.

Affidavits produced by Lieutenant Colonel MacIntosh with Petition:

Montreal—King's Bench.

To the Honorable the Chief Justice of His Majesty's Court of King's Bench for the District of Montreal:

The Petition of Alexander F. MacIntosh, Lieut. Colonel, commanding the Garrison at Montreal, especially sheweth—

That your Petitioner hath lately been arrested by the High Constable of the District by virtue of a Warrant issued out by Jean Marie Mondelet, Esquire, one of His Majesty's Justices of the Peace for the said District on a complaint.

That your Petitioner, conceiving himself entitled to a discharge from his arrest, humbly prays that your honor will be pleased to award and grant a Writ of Habeas Corpus, under the Seal of the Court of King's Bench, directed to the said High Constable, in the City of Montreal, in the District of Montreal aforesaid, commanding him to bring before your Honor the body of your Petitioner immediately, to do and receive all those things which your Honor shall then and there consider of him in this behalf.

And your Petitioner as in duty, &c.

(Signed,) A. F. MACINTOSH,
Lt. Col. 15th Regt.

District of Montreal:

Alexander F. MacIntosh, Lieutenant Colonel of His Majesty's Fifteenth Regiment of Foot, now stationed at the City of Montreal, in the said District, and Commanding Officer of the Garrison of Montreal, being duly sworn, deposes and saith, as follows:—On Sunday evening the 20th instant, I received a visit at about half past ten o'clock from the Honorable G. Moffatt and W. Robertson, Esquire, two of the Magistrates of this place, at a deputation of that body, who communicated to me that a meeting of the Magistrates of this City had just taken place, and that it had there been resolved by them to represent to me as the Officer commanding this Garrison, the necessity of being fully prepared for any disturbances which might arise on the ensuing day in consequence of the pending Election in this City. These Gentlemen at the same time acquainted me that it was the earnest wish of the Magistrates, who had attended the

meeting, that a Captain's Guard should be substituted for the usual main guard at the head of the new market, and informed me that towards the hour of the daily close of the Poll, to wit, five o'clock, the most serious infraction of the Peace might be apprehended. Early on the following morning (the 21st instant,) I received a specific and certified copy of the Resolutions of the Magistrates as set forth in the Document No. 1, accompanying this Affidavit; and a Captain's Guard consisting of one Captain, one Subaltern, one Sergeant, one Bugler, and forty two rank and file accordingly mounted the main guard at eleven o'clock, A. M.

I considered it expedient also to have the remaining portion of the Regiment kept in Barracks, ready to turn out at moment's notice in case of trouble. At about three o'clock, P. M., Captain Temple who commanded the main guard, received a requisition signed by two Magistrates, (as contained in the Document No. 2, accompanying this Affidavit,) calling upon him to proceed with those under his orders to the Place d'Armes, (in the vicinity of which the Poll was carried on,) for the purpose of aiding the civil power to maintain the public peace of the City.

This circumstance Captain Temple reported to me at my quarters, and I lost no time in proceeding to the spot. I there found a large and apparently ill disposed crowd assembled, and it was stated to me by Dr. Robertson the Magistrate, and Captain Temple, that many acts of violence had been committed by them, and that many were in possession of fire-arms; the former, then having a book in his hand, informed me at the same time that he was going to read the Riot Act, upon which he went with his book some distance, and after some time, again approached the troops, and told me in answer to my question, if he had read the Riot Act, that he had deemed it expedient to read the Riot Act on the spot; but this appeared to have produced no effect in dispersing the crowd. Under these circumstances I suggested the propriety of strengthening the party, in which Dr. Robertson and other Magistrates, fully concurred with me, which was done almost immediately by the addition of the Light Infantry Company under Captain Smith. The appearance of the troops produced a temporary tranquillity among the Rioters assembled, and as it rained heavily, I drew up the Guard and the Light Company under the Porch of the French Catholic Church, which is enclosed by a semi-circular wall having four or five gates opening upon the Place d'Armes.

For upwards of an hour the crowd assembled in the Place d'Armes, appeared comparatively quiet, and it was not until five o'clock that the Magistrates deemed it necessary to interfere actively. At this period a violent affray took place in the Place d'Armes, and the Magistrates, attended by the Constables, proceeded to quell it, and restore order, in this, however, they altogether failed, and were driven back upon the party, which I commanded, in complete confusion, followed some paces into the enclosure by a portion of the Rioters. On perceiving this, I instantly ordered the troops to load with ball cartridge, and accompanied by the Magistrates, advanced into the Place d'Armes, forming a column of two divisions. At this moment I was informed that the mob were in the act of murdering a man on the side of the Place opposite St. James's street.

The troops then advanced steadily in that direction, proceeding past the Bank along St. James' street, which may exceed a quarter of a mile in length, giving full time for all but ill-disposed persons, to withdraw themselves, and cease blocking up the street in front, and with this object, although heavily assailed with large stones, with which the street had been recently repaired, I ordered them to halt for several minutes.

Perceiving

Perceiving, however, that the dense crowd in front, which appeared to be composed of many hundred persons, and a numerous portion of which appeared to have recently arrived in a body on the spot, and to be led in a systematic manner, was becoming nearer and nearer, and as we advanced, was throwing quantities of large stones on the civil authorities, and military force around me, by two of which Lieutenant and Quarter Master Dewson received severe contusions, and several struck the troops and my own person, it became necessary to order the troops to fire after I had at different times advanced in front, and by word and action, endeavoured to prevail upon the crowd to retire, loudly giving notice beforehand, that it was intended to fire if the attack and riot continued. Less than one round from the first division, consisting of sixteen file, of the Main Guard party was accordingly discharged and took effect. From the serious aspect of affairs before the troops had fired, I had considered it necessary to dispatch Ensign and Adjutant Hay with directions that the remainder of the Regiment should be advanced towards the Place d'Armes, and they arrived in a few minutes after it had become necessary to act against the mob, but were not called upon to act. In a short time the crowd was dispersed and completely disappeared, and tranquillity was maintained during the remaining part of the afternoon. Before relieving the troops, I consulted with the Magistrates, at their desire, relative to the propriety of establishing posts for the night, and followed their directions on the subject.

To the above statement I have to add, that when the troops halted in St. James' street, during some minutes before the firing, it appeared impossible in consequence of the volleys of stones discharged at them, for them either to stand where they were, or to advance or disperse the Rioters, or far less to retreat without danger of destruction unless they fired. I had also within a few minutes before the firing, while the riot was going on, received directions from one of the Magistrates to fire upon the Rioters in case I should consider it necessary.

(Signed,) A. F. MACINTOSH,
Lieut. Col.

Sworn before me,
this 6th May, 1832.

(Signed,) W. Robertson, J. P.

(No. 1.)

MONTRÉAL:

COURT OF SPECIAL SESSIONS.

Sunday 28th May, 1832.

PRESENT:

Honbles. George Moffat, Joseph Masson,
P. De Rocheblave, Jules Quesnel,
Wm. Robertson, John Fisher,
Austin Cuvillier, Pierre Lukin, and
Benjamin Holmes, Joseph Roy, Esquires.
A. L. M'Nider

Resolved, That it is expedient to request the Commandant of the Garrison to reinforce the Main Guard with a Company of the 15th Regiment, under the command of a Captain, with instructions to hold himself in readiness to act, when requested so to do by a Magistrate, for the purpose of aiding the civil power in

the suppressing of any riot which may arise in consequence of the pending election for the "West Ward" of this City.

Resolved, That the Honble G. Moffatt and Dr. W. Robertson, two of the Magistrates here present be requested personally to call upon the Commandant and communicate the wishes of this meeting, as expressed in the foregoing Resolves.

Resolved, That a Copy of the two foregoing Resolutions, certified by the Clerk of the Peace, be sent to Lieut. Colonel Macintosh, early to tomorrow.

A true Copy.
(Signed) JOHN DELISLE,
Ck. Peace.

(No. 2.)

Monday, 21st May, 1832.

Sir,

We require that you will advance with the Piquet under your orders to the Place d'Armes, for the purpose of aiding the civil power to maintain the public peace of the City.

We have the honor to be
Sir,
Your most obedt. servts.

(Signed) W. ROBERTSON, J. P.
P. LUKIN, J. P.

To the Officer commanding the Piquet Main Guard.

(No. 3.)

MONTRÉAL.

COURT OF SPECIAL SESSIONS.

Tuesday, 22nd May, 1832.

PRESENT:
The Honble George Moffat, John Fisher,
P. De Rocheblave, John McKenzie,
William Robertson, Benjamin Holmes,
Jules Quesnel, A. L. McNider.

Resolved, That it is the opinion of this Meeting that necessity still exists for extraordinary precautions being taken to ensure the public peace.

It is therefore ordered that application be made to the Commandant to reinforce the main Guard with a Piquet under the Command of a Captain, there to remain from sun-down to day light, and that a Magistrate attend to advise with the Officer in command; and that Major Gregory be requested to send six men to perform the same duty which he undertook last night.

Mr. M'Kenzie was named and agreed to be the Magistrate in attendance this night.

Resolved, That a Copy of the foregoing Resolutions be dispatched immediately by the Clerk of the Peace, to Lieut. Col. M'Intosh.

A true extract from the Register of the Special Sessions.

(Signed,) JNO. DELISLE,
Ck. Peace.
MONTREAL—

MONTREAL—KING'S BENCH.

To the Honorable the Chief Justice of His Majesty's Court of King's Bench for the District of Montreal.

The Petition of Henry Temple, Captain in His Majesty's 15th Regiment, humbly sheweth:

That your Petitioner hath lately been arrested by the High Constable of the District, by virtue of a Warrant issued out by Jean Marie Mondelet, Esquire, one of His Majesty's Justices of the Peace for the said District, on a complaint.

That your Petitioner conceiving himself entitled to a discharge from his arrest, humbly prays that your Honor will be pleased to award and grant a Writ of *Habeas Corpus*, under the Seal of the Court of King's Bench, directed to the said High Constable Benjamin Delisle, in the City of Montreal, in the District of Montreal aforesaid, commanding him to bring before your Honor, the body of your Petitioner, immediately to do and receive all those things which your Honor shall then and there consider of him in his behalf.

And your Petitioner as in duty, &c.

(Signed,) H. TEMPLE,
Capt. 15th Regt.

District of Montreal:

Henry Temple, Captain in His Majesty's fifteenth Regiment of Foot, stationed in the City of Montreal, in the District aforesaid, being duly sworn, deposeth and saith as follows:—On Monday the 21st instant, I received orders from Lieutenant Col. Macintosh, commanding the Garrison at Montreal, to mount guard at the main guard above the New Market, in Montreal aforesaid, with a Captain's guard, in consequence of Resolutions of the Magistrates of the City to that effect. These orders were entered in the Regimental orderly book, of which entry a Copy is produced with this affidavit, marked No. 1—I accordingly mounted guard with one Subaltern, one Sergeant, one Bugler and forty two rank and file, at eleven o'clock in the forenoon;—and I was directed to hold myself in readiness to obey the orders of the Magistrates. At about three o'clock in the afternoon, orders were sent by the Magistrates that I should immediately advance with a Piquet to the Place d'Armes. I asked for the written requisition of the Magistrates, and was told that they were in such haste that they had not sent it, but that as soon as I reached the ground it would be delivered to me.—I accordingly set off with twenty four men, and as soon as I reached the ground I received a requisition signed by two Magistrates, (as contained in the document No. 2, accompanying this affidavit,) requiring me to advance with the Piquet under my orders, to the Place d'Armes, for the purpose of aiding the civil power to maintain the public peace of the City. On receiving the first orders, I reported them at once to Lieut. Col. Macintosh at his quarters, and he lost no time in proceeding after me to the spot. I there found a large and seemingly, particularly ill-disposed crowd assembled, who were using stones and bludgeons against the Constables at the time of my arrival. The Constables ran towards the troops for protection. From the number and apparent violence of the mob, I considered the party with me to be too weak, and so did the Magistrates. Dr. Robertson showed me the Riot Act in a book

which he held, and said he was going off to the crowd to read it—I saw him go and read it, but was too distant to hear; he returned and told me he read it, but this appeared to have produced no effect in dispersing the crowd.—Under these circumstances, the Magistrates and the Colonel concurred in the propriety of strengthening the party, which was done almost immediately, by the addition of the Light Infantry Company, under Captain Smith.

The appearance of the Troops produced a temporary tranquillity among the rioters assembled, and as it rained heavily the Guard and the Light Company were drawn up under the Porch of the French Catholic Church, before which there is a space enclosed by a semi-circular wall, having four or five gates opening upon the Place d'Armes. For upwards of an hour the crowd assembled in the Place d'Armes appeared comparatively quiet, and it was not until five o'clock that the Magistrates deemed it necessary to interfere actively.—At this period a violent affray took place in the Place d'Armes, and the Magistrates attended by the Constables, proceeded out of the enclosed space to quell it and restore order—in this object they however were completely frustrated, and were driven back in absolute confusion upon the party of Troops which were in the enclosed space, and were followed some paces into the enclosure by a portion of the rioters who assailed them with stones and bludgeons—on perceiving this, the Colonel immediately ordered the Troops to load with ball cartridge, and accompanied by the Magistrates, advanced into the Place d'Armes forming a column of two divisions, and proceeded along the north side of the Place d'Armes to the house of Dr. Arnoldi, where we halted for a short space, during which the Colonel called out several times to make way for the Troops.—The Troops then advanced steadily in that direction proceeding towards the Bank where we halted, and after our halting stones were thrown upon us in great numbers.—The Colonel called out here several times to the people who were stoning the Troops, "give over throwing stones, or we shall fire at you." The Troops were then ordered, altho' stones were still discharged at them, to resume their advance along St. James' street, giving full time for all but ill-disposed persons to withdraw themselves and cease blocking up the street in front, and with this object, altho' we continued to be heavily assailed with large stones with which the Street had recently been repaired, the Troops were again halted for several minutes near Dr. Robertson's, the crowd in advance there appearing much more dense than previously, and assailing the Troops with stones more violently than before—I saw several of the men struck by the stones, some of which hit the Colonel who was close to me, and I myself narrowly escaped being knocked on the head by them.—The stock of one of the men's muskets was broken by them, and Quarter Master Dewson was struck and received contusions. The Colonel, under these circumstances of unceasing violence, rushed forward again, and cried out several times, "I will fire if you do not give over"—I also called out to them, that they would be fired upon if they did not give over; but instead of giving over, they continued to assail with increasing violence, kept in a body, and acted with great system in keeping up the shower of stones, as those in front posted themselves near enough to the Troops to do them the greatest injury, and when they retired or advanced, ran through each other like Troops skirmishing—it then became necessary to order the Troops to fire.—Less than one round from the first division, consisting of sixteen file of the main guard party, was accordingly discharged and took effect,—In a short time the crowd was dispersed and completely disappeared, and tranquillity was maintained during the remaining part of the afternoon.

I have been before employed in quelling riots, but never before saw a mob assail the military with the same boldness, perseverance, and violence as on the present occasion until we fired.—I am confident that where the Troops last halted in St. James' Street during some minutes before the firing, it was impossible in consequence of the volleys of the stones discharged at them, for them either to stand where they were or to advance, or to disperse the rioters, or far less to retreat without danger of destruction, unless they fired.

(Signed.)

H. TEMPLE,
Capt. 18th Regt.

Sworn before me, this
26th day of May, 1832.

(Signed.) W. Robertson, J. P.
Coroner.

short space, during which the Colonel called out several times to make way for the Troops.—The Troops with whom I also went, then advanced steadily in that direction proceeding towards the Bank, where we halted, and after our halting stones were thrown upon us in great numbers.—The Colonel called out here several times to the people who were stoning the Troops,—“ Give over throwing stones, or we shall fire at you.”

The Troops were then ordered, although stones were still discharged at them, to resume their advance along St. James street, giving full time for all but ill-disposed persons to withdraw themselves, and cease blocking up the street in front; and with this object, although we continued to be heavily assailed with large stones with which the Street had recently been repaired. The troops were again halted near Dr. Robertson's.—The crowd in advance there appearing much more dense than previously, and assaulting the troops with stones more violently than before; I saw several of the men struck by the stones, some of which hit the Colonel who was close to me, and I myself was struck and received contusions. The stock of one of the men's muskets was broke by them, and much worse was to be apprehended. The Colonel under these circumstances of increasing violence rushed forward again and cried out several times “ I will fire if you do not give over.” Captain Temple called out they would be fired upon if they did not give over, but instead of giving over they continued to assail with increasing violence, kept in a body and acted with great system in keeping up the shower of stones, as those in front posted themselves near enough to the troops to do them the greatest injury, and when they retired or advanced ran through each other like light troops skirmishing. Less than one round from the first division consisting of sixteen file of the main guard party, was accordingly discharged and took effect. In a short time the crowd was dispersed and completely disappeared, and tranquillity was maintained during the remaining part of the afternoon. I have been before employed in quelling riots, but never before saw the mob assail the Military with the same boldness, perseverance and violence as on the present occasion until we fired. I am confident where the troops last halted in St. James Street, during some minutes before the firing, it was impossible in consequence of the volleys of stones discharged at them, for them either to stand where they were, or to advance, or to disperse the rioters, or far less to retreat without danger of destruction unless they fired.

(Signed) J. W. DEWSON,
Lieut. and Qr. Mtr. 18th Regt.

Sworn before me, this
29th day of May, 1832.

(Signed) P. De Rocheblave, J. P.

The appearance of the Troops produced a temporary tranquillity among the rioters assembled, and as it rained heavily, the Guard and the Light Company were drawn up under the porch of the French Catholic Church, before which there is a space enclosed by a semi-circular wall, having four or five gates opening upon the Place d'Armes. For upwards of an hour the crowd assembled in the Place d'Armes appeared comparatively quiet, and it was not until five o'clock that the Magistrates deemed it necessary to interfere actively.—At this period a violent affray took place in the Place d'Armes, and the Magistrates attended by the Constables, proceeded out of the enclosed space to quell it and restore order; in this object, however, they were completely frustrated, and were driven back in absolute confusion upon the party of Troops which were in the enclosed space, and were followed some paces into the enclosure by a portion of the rioters, who assaulted them with stones and bludgeons.

On perceiving this, the Colonel immediately ordered the Troops to load with ball cartridge, and accompanied by the Magistrates, advanced into the Place d'Armes, forming a column of two divisions, and proceeded along the north side of the Place d'Armes, to the house of Dr. Arnoldi, where they halted for a

William Robertson of the City of Montreal, Esquire, one of His Majesty's Justices of the Peace for the District of Montreal, being duly sworn on the Holy Evangelist, deposeth and saith:—That at twenty minutes past 2 o'clock P. M. of Monday, the 21st of May, 1832, he relieved Benjamin Holmes, Esquire, J. P. who was till that time with P. Lukin, Esqr. J. P. in attendance with the special constables at the Roman Catholic Parish

Parish Church on the Place d'Armes, near where the Election was going on for the West Ward, and at that time the crowd collected in the neighbourhood of the Poll was quiet and peaceable, and continued so for about half an hour, with the exception of occasional yells and hurraing. At about a quarter before 3 o'clock, some fighting commenced at the opposite side of the square, near the Poll : a great number of people ran across to near the wall enclosing the space in front of the Church. Mr. Lukin, the other Magistrate in attendance and deponent, with the few special constables near them ran out and endeavoured to rescue a man from the crowd, who they appeared to be beating ; he was rescued and ran back again across the square ; the Peace Officer was assaulted in the execution of this duty. Tumultuous movements and fighting commenced in different parts of the square, which the magistrate present endeavoured to put a stop to, and while attempting to do so was roughly treated, jostled and struck at—This state of tumult and rioting continued for fifteen or twenty minutes, several persons, constables & others, having during that time been struck, and some severely beaten — on getting clear of the crowd near Mr. Henderson's house, deponent saw a party of soldiers on the square near Notre Dame street, brought there as he understood by John Fisher, Esqr. J. P. Mr. Lukin and deponent shortly afterwards went towards them—the officer commanding stated to deponent, that if military assistance was required to keep the peace, it would be necessary to have a written requisition signed by two magistrates—Mr. Lukin and deponent agreed, that altho' they did not personally send for them, as it was impossible for them to maintain the peace, with the force of constables under their order, they would instantly sign the requisition, did so, and delivered it to the officer commanding ; some disturbance continuing near Mr. Henderson's house, accompanied by Mr. B. Holmes & Mr. Lukin, both magistrates, deponent read the riot act at about fifteen minutes past 3 o'clock, P. M. ; quietness being for the time restored, the military were sent by the magistrates present to move under the portico of the Church (it raining heavily) and as in that situation they would be removed from the crowd, they did so remove and remained in that situation till called out after the closing of the Poll at five o'clock ; tumultuous movements great noises and fighting commencing then between the Montreal Bank and Mr. Henderson's house. The Honble. George Moffatt, who arrived some time before, went with Mr. Lukin and the Constables to where the rioting was, the noise and wild yelling increased to a terrific degree, a rush of Constables and others for refuge, took place into the inclosure in front of the Church ; deponent ran to one of the gates to see what was going forward, where he saw people running in all directions through the square, pursued by a crowd throwing stones at them, a crash of breaking windows and iron shutters was heard from the opposite side of the square deponent saw one man laying on the ground as if dead near Mr. Henderson's Grocery and Liquor Store, which was the house attacked. Joseph Shuter, Esqr. J. P. ran across the square & called " For God's sake bring out the military as the mob are murdering the people, have commenced to attack the houses,, at the same moment deponent saw Mr. Moffatt coming hastily towards him and as he thought waving his hand for the deponent and military to advance ; deponent went to Colonel McIntosh and asked him to bring out the troops, to quell the riot and save the lives and property then in imminent danger, as it was not in the power of the civil authority to do so, or words to that effect. The troops moved from the portico of the Church to the square, and form-

ed in front of Dr. Arnoldi's house, a great crowd was then fighting, and throwing stones in front of the Bank. The troops advanced in that direction, several Constables and others then rushed forward. The mob in St. James street, began to retire in the direction of the Hay Market, where they saw the Constables followed by the military advance ; several of the peace officers being in front, deponent endeavoured all in his power to bring them back in rear of the troops. The retiring mob faced about, attacked and drove back the Constables, who as well as the military were exposed to the shower of stones constantly thrown at them : while in advance bringing the people back, deponent was obliged to retire two or three times from the number of stones flying about, and several Constables were struck and knocked down, and several injured by them, the troops were equally exposed. When about a hundred yards past St. François Xavier Street, the front section of the troops fired a volley, the mob having previously and beginning at the moment pelting them with stones. The mob then instantly ran down St. James Street, towards the Hay Market, and was seemingly dispersing fast. The consequence of the fire was the death of some and others being wounded among the rioters.

(Signed) W. ROBERTSON, J. P.

Sworn before me, this
26th day of May, 1832.

(Signed) J. Reid, Ch. J. K. B.

DISTRICT OF MONTREAL,
Province of Lower Canada.

Henry Mackenzie, of the City of Montreal, in the said District and Province, Esqr., who being duly sworn deposes and saith : That having been on Sunday the twentieth day of the present month credibly informed that there was an intention of killing Stanley Bagg, of the Parish of Montreal, in the said District and Province, Esqr., a Candidate for the situation of Representative for the West Ward of the said City, in the House of Assembly of the said Province, and who was then engaged as such Candidate in such Election. On the following Monday, he, this deponent, on Monday last, the 21st inst., went to the Place d'Armes, where such Election was proceeding, several times during the said Monday, and remained there considerable time, and was there when the Returning Officer adjourned the Poll at five o'clock in the afternoon of the said Monday ; that about the middle of the day, a disposition to riot was evinced by the people on Place d'Armes, that soon after a voter for Mr. Bagg, of the name of Poule, was chased by Irishmen, and narrowly escaped with his life into Mr. Henderson's store on the said Place d'Armes, where he was obliged to hide himself during the remainder of the day ; that about two o'clock of the said Monday, this deponent being then on the said Place d'Armes, on the steps of Mr. Henderson's shop, perceived two persons fighting near the steeple of the old Church, at the corner of the said Place d'Armes ; that a large crowd of persons rushed from the front of the Poll towards the said combatants, and a general affray ensued ; that certain special Constables, who had been

been stationed by the magistrates of the said City within the enclosure of the new Roman Catholic Church, situated at one side of the Place d'Armes, interposed by the mob ; that there issued from the said crowd or tumult a person of the name of James Stevenson of the said City, gentleman, one of the supporters of the said Candidate Stanley Bagg, which said James Stevenson, so issuing as aforesaid, was pursued by several persons, (amongst whom this deponent recognized one M'Allister, an Irishman of the said City, trader, who was one of the supporters at the said Election of Daniel Tracey, the other Candidate at the said Election,) ran for refuge across the said Place d'Armes, and took shelter in the cellar of the said shop of the said Henderson ; that several times between then and about 3 o'clock of the said afternoon, the said Macallister, accompanied by several others, came and violently demanded of this deponent, being standing on the steps of the said shop, that he this deponent should deliver up to them the said James Stevenson, for the purpose as it appeared to this deponent of doing corporal injury to the said James Stevenson, which this deponent refused to do : being satisfied that the man might have been murdered, if he fell into their hands ; that about the same time of the day another person (one of Mr. Ross's sons,) narrowly escaped, with his life across the Place d'Armes from the said mob ; that about two or three o'clock of the said afternoon, there arrived at the eastern angle of the said Place d'Armes a party of the 15th Regiment of Foot, stationed in the said City, who without advancing on the said Place d'Armes, passed into the said inclosure, and took post on the steps of the said Church, separated from the said Place d'Armes by a high stone wall ; that about 3 o'clock of the said afternoon, there occurred a tumult near the said Henderson's store, where the special constables again interposed, and were vanquished by the mob gathered there ; that William Robertson, of the said City, Esquire, one of His Majesty's Justices of the Peace for the said District, in a short time afterwards, came forward and read aloud the Act commonly called the Riot Act ; that Mr. Lukin, another Magistrate, also attended on duty near the spot, where the tumults took place ; that after the Riot Act was read, the deponent went through the said crowd and addressing himself to whatever persons he found collected in groups, exhorted them to disperse, repeating that the Riot Act was read, and to conduct themselves in a peaceable manner ; that several of the leading supporters of the said Daniel Tracey then declared to the said Special Constables, that if the said Constables would retire from the said crowd, they the said leaders would be responsible that the supporters of the said Daniel Tracey, (who it appeared to this deponent by their numbers and violence had the ascendancy, and had occasioned the tumults at the said Place d'Armes,) would behave themselves peaceably ; that the said Constables then withdrew ; that after the adjournment of the Poll at five o'clock of the said afternoon, the said Daniel Tracey issued from the said Poll, and was joined by his supporters, who received him with loud acclamations ; that the said Stanley Bagg followed, was joined by his supporters in comparatively small numbers, and was hissed and hooted at by the supporters of the said Daniel Tracey, which last mentioned supporters shouted out, "There he is, at him, at him," or words to that effect ; whereupon they all rushed towards the said Stanley Bagg and his supporters ; that a most bloody riot then ensued ; that the partisans of the said Daniel Tracey finding abundance of stones wherewith the place had been macadamized, they took them up and threw them in heavy volleys at the said Special Constables, and at the supporters of the said Stanley Bagg, and upon every one else that was

upon the said Place d'Armes ; that by the said volleys of stones, this deponent and others were compelled to take refuge in the said shop of the said Henderson, where they were pursued by the supporters of the said Daniel Tracey, and the windows of the said shop shattered, and even the iron shutters pierced by volleys of stones thrown by the said persons, which were so thick and frequent, and the stones themselves of such size as to endanger the lives of this deponent and others, even while standing within the said shop, and compelled many to take refuge in the cellar ; that while this deponent was in the act of entering the said shop, he saw the said party of the said 15th Regiment file out of the said enclosure and pass along the north easterly side of the said Place d'Armes towards the house of Dr. Arnaldi, situate opposite the said partisans of the said Daniel Tracey, which partisans continued throwing volleys of stones across the said Place d'Armes ; that immediately afterwards the said party of military passed the door of the said shop and marched into St. James Street, and the mob moving before them continuing to throw at them volleys of stones.

(Signed) H. MACKINZIE.

Sworn at Montreal, this
28th day of May, 1832, before me,

(Signed) Samuel Hatt, J. P.

William Caldwell, of the City of Montreal, Physician and Surgeon, deposeth and saith : That on Monday afternoon, the 21st instant, he was standing at the door of Mr. Henderson, grocer, in the Place d'Armes about 5 o'clock when several hurras were given at the Poll room ; that a scuffle ensued between two men in the Square when the Special Constables went forward to interfere, and were immediately attacked by a great number of men, attendants of Mr. Tracey, with stones, and beat back ; that they also attacked Mr. Henderson's store with showers of stones both through the windows and by the doors, which were both open ; that a man standing immediately behind the deponent was struck by a large stone and his head severely injured ; that the deponent and several others were struck and from the great excitement that was manifested, and the horrid imprecations made use of, such as "Have at their hearts' blood," &c., &c., the deponent is well convinced that every individual in the store would have been massacred, had the military not advanced at the time and driven the mob back. That the Special Constables were completely overpowered, the military were assailed with stones, from the time that they passed the corner of the Place d'Armes till they fired, though they halted two or three different times, and every effort was made by the Magistrates and Commanding Officer to induce the mob to desist and retire ; further the deponent saith not.

(Signed) W. CALDWELL, M. D.

Sworn before me, at
Montreal, this 28th May, 1832.

(Signed) John Fisher, J. P.

DISTRICT

District of Montreal :

James Breckanridge, of the City of Montreal, Merchant being duly sworn, deposeth and saith : That he was standing at the shop door of Robert Henderson, grocer, in the Place d'Armes, on the afternoon of Monday last, about 5 o'clock, and heard the buzzes proceeding from the friends of both the Candidates ; he then came to the steps and saw Mr. Bagg followed by a large crowd of men, some of whom called out, "Down with them," which he supposed alluded to Mr. Bagg and his friends— general scuffle ensued, and immediately stones were thrown at the doors and windows of Henderson's shop, several persons rushed into the shop for protection, and many were hit with the stones, one very severely ; after the shower of stones at the shop had ceased, he left Henderson's shop, and found that the military had advanced in St. James Street to a place between St. Peter and St. Francois Xavier Streets, and saw the stones flying through the air in all directions ; immediately after the troops fired and then advanced. The deponent is of opinion from the threats used by the mob, that if the troops had not come forward and dispersed them, every individual in Henderson's shop would have been massacred, and further deponent saith not.

(Signed) JAMES BRECKANRIDGE.

Sworn before me at
Montreal, this 23rd May, 1832.

(Signed) John Fisher, J. P.

District of Montreal.

George Fowler, of the City of Montreal, Cabinet-Maker, being duly sworn, deposeth and saith : I was present at the Place d'Armes, on Monday the 21st inst., and saw there a riot and fighting, and a Magistrate reading the Riot Act, as I was informed, not being myself near enough to distinguish the whole, although I heard some words.—The Riot Act was read to the best of my knowledge, between 9 and 4 o'clock, P. M.—At the close of the Poll, about 5 o'clock, a general riot commenced.—The Magistrates and Constables then went forward to quell it, and the rioters retreated some distance towards and beyond the Bank, where they gathered large stones, some as large as a double fist, and returned to attack the Magistrates and Constables, whom they drove back, and then commenced the destruction of Mr. Henderson's Grocery and Crockery Store, in which several persons had taken refuge.—I had myself my hat knocked off with a stone bigger than a man's fist, which probably would have knocked my brains out, had it struck lower. - I then fled towards the French Church for refuge, towards which the greater part of the Magistrates and Constables had fled for the same purpose. Here had been stationed at the French Church some Troops for the purpose of assisting the Magistrates and Constables, if necessary, in maintaining tranquillity.—And upon the Magistrates and Constables being driven into the inclosed space before the Church, and the attack going on upon the Grocery and Crockery Store aforesaid, as well as on various individuals, the Troops marched forward to put an end to the violence of the Rioters, and cause them to disperse ; the Riot-

ers thereupon commenced retreating past the Bank, along St. James Street, continuing to throw stones and commit acts of violence. —The Troops advanced very slowly along that street. Those of the Rioters, who first retreated, having reached a part of the street where there were a quantity of stones for macadamizing the same, supplied themselves anew with stones. The Rioters nearest the Troops then made a stand, and those who had obtained a new supply of stones came forward, and discharged them at the Troops and the Civil Authorities, by whom they were accompanied. The Troops made a halt of four or five minutes, and during that time stones continued to be showered upon them - I heard the Colonel call three times to the Rioters to be quiet and disperse, but the discharge of stones still continued, and I then heard a person whom I supposed to be in authority, desire the Colonel to give orders to fire.—This the Colonel did not do, for two or three minutes or more. But at length the stones still continuing to be discharged, and the Troops marched with serious injury, the Colonel gave orders to fire, and a discharge of musketry in consequence took place, upon which I saw some fall, but even after this stones were still thrown. The Troops however advanced, and the Rioters retreated towards the Hay-Market, and shortly after dispersed.—I had followed the Colonel (whom I had known by sight for nearly two years) from the corner of the Place d'Armes to the Hay-Market, and stood next to the Colonel at the time of the halt, which preceded the firing, and observed great coolness and forbearance on his part, while the stones were flying about him ; nor were any orders given to fire until it seemed impossible either for the Troops to stand where they were, or to advance, or to disperse the Rioters, and much less to retreat, without danger of destruction, unless they fired.—For myself, I did not take a stone nor a stick in my hand the whole of that day, from the time of my going to the Place d'Armes, as herein before mentioned, until the dispersion of the Rioters and my return home.

(Signed) GEORGE FOWLER.

Montreal—Sworn before me,
this 26th May, 1832.

(Signed) Jos. Shuter, J. P.

Robert Howard, of the City of Montreal, Merchant, being duly sworn, doth depose and say—That he resides in St. Lewis Suburbs, and his stores are situated in the Place d'Armes—on Monday the 21st instant, he, this Deponent was sworn in as Special Constable to be in attendance near the Poll, holding for the Election of a Member for the West Ward of this City, to prevent riots and breaches of the Peace. That during the whole of that day an unusual and great concourse of people were assembled in the square, near to where the Poll was held—that great excitement seemed to exist amongst them, and a tendency to riot and tumult.—That about the hour of half past three the riot and tumult was so great that Dr. Robertson, a Magistrate, advanced into the crowd with a book to read the Riot Act. That I have no doubt, from what I understood, that he did read it—and my opinion was that it should have been read earlier in the day, the tumult and riot was so great. I was there at the close of the Poll and observed Mr. Tracey, one of the Candidates instead of going home as usual down St. James' Street, make

a turn round into the square, with a great crowd after him shouting, and rioting, and with violent gesticulations. That in consequence of this unusual movement on the part of Mr. Tracey, his followers were brought in immediate contact with those of Mr. Bagg, the opposing Candidate. That thereupon the riot became general and more violent, immense quantities of stones were thrown, the windows of the House of Mr. Henderson, Grocer, were smashed, and a number of persons rushed into it for refuge; the Special Constables one of whom I was, in their attempt to quell the riot, were completely defeated and forced to fly. That it was at this crisis the military advanced, and forced the mob back; that had the military not come up at this moment, I firmly believe many lives would have been lost and much property destroyed. That the military continued to advance upon the mob down St. James' Street, who in retreating kept up a continued volley of stones upon the military, and all those who accompanied them. That the troops appeared to me to halt once or twice before reaching the house of Dr. Robertson, and on these occasions the Magistrates, Mr. Moffatt and Mr. Shuter, with some Officers, advanced in front of the troops, and by their gesticulations, for I could not hear the words, appeared to me to be entreating the mob to disperse, and thereby prevent the further interference of the military. That when the troops halted before Dr. Robertson's house, the mob made a stand, and the attack of the stones became more violent, I saw Mr. Shuter struck with stones, and also some of the Special Constables—it was then that I heard the troops fire—the mob immediately dispersed and the troops advanced to the end of St. James' Street, I followed them and I saw three persons on the way apparently dead. The troops during the whole of these proceedings acted with the greatest coolness and forbearance. I am firmly of opinion that at the time of the fire, the lives of the soldiery and those about them were in danger—and if that measure had not been resorted to many lives would have been lost and much property destroyed.

(Signed,) ROBT. HOWARD.

Sworn before me, at Montreal,
this 26th day of May, 1832.

(Signed,) John Fisher, J. P.

William Boston, being duly sworn, saith: that he was one of the Special Constables appointed to stand near the Poll on Monday last, in the morning, where he remained until about half past twelve o'clock; he saw several persons use insulting language both towards the Special Constables and to Mr. Bagg's voters.—Deponent went to dinner about that time, returned again about half past two, and seeing some disturbance immediately around the Poll, did not resume his station, but went to the party near the Church, and remained there until about three o'clock, when a party of military arrived and drew up near the corner of the Church—saw Doctor Robertson, and heard him desire the Officer not to advance until he went forward to try to restore order.—Deponent then observed to Dr. Robertson that the Riot Act ought to be read, as the fighting was still going on occasionally—saw Dr. Robertson and Mr. Holmes go forward towards the Poll, he believes for that purpose; Deponent did not advance, consequently did not hear the Act read—

heard orders given by an Officer that the bugle should sound the assembly at the Guard House; shortly after the troops withdrew under the porch of the Church and were soon after joined by another detachment. About 5 o'clock, heard great shouting at closing the Poll—in a few minutes saw a general battle take place opposite to Mr. Henderson's house, a great number of persons as well as Special Constables took refuge within the Church enclosure, the rush was so great and violent, (the fugitives being followed by their adversaries,) that the Soldiers put themselves in a position of defence; at that moment saw Dr. Robertson run into the gate, who both by gesture and speech called on the military to stop—immediately a number of persons, (probably as many as 20,) came into the enclosure calling out "there is murder going on, advance the troops for God's sake," the troops did advance, saw them march up to the corner near the Poll and halt for a space—Deponent did not follow the military until he heard the discharge of the fire arms, and then only went as far as the Bank.

The Deponent is firmly of opinion, that had the military not advanced at that time, many lives would have been lost and much property destroyed.

(Signed,) WILLIAM BOSTON.

Sworn before me, this
26th day of May, 1832.

(Signed,) W. Robertson, J. P.

District of Montreal:

Alexander F. Macintosh, Lieutenant Colonel of His Majesty's 15th Regiment of Foot, now stationed at the City of Montreal, in the said District, and commanding Officer of the Garrison at Montreal, being duly sworn, deposes and saith, as follows, as supplementary and explanatory upon some points of detail to the affidavit by him made in relation to occurrences of the 21st instant, to wit: On Sunday evening the 20th instant, when the Honble. G. Moffatt and Wm. Robertson, Esquire, called at my lodgings and communicated, as mentioned in my said Affidavit, the substance of the Magistrates Resolutions. I said that I trusted that the military would not be called to assist the civil power until matters had come to an extremity. I explained to them that what made me so anxious on this head, was the want of any cavalry in the garrison; that it was not in this country as in England where there was cavalry who could act against, and often disperse a mob without firing; and that if Infantry were brought into collision with a numerous and outrageous mob, they could not act against it with any effect, (from its being an irregular body and moving much quicker than troops of foot could do,) without having recourse to firing, which must of course be attended with the almost certain destruction of life. The said Magistrates thereupon said they were aware of this, that the troops would not be brought forward until they were required to act, and that matters were already in the most alarming state. The following day before the troops moved against the rioters, Wm. Robertson, Esquire, aforesaid, repeatedly stated that the civil authorities had information of the most positive kind, that there was a plan arranged for firing the Town and Suburbs in various places, so

as to draw the military away in different and opposite directions, and in small bodies, that they might be more easily overpowered—On this day I often repeated what I had said as above respecting the employment of the troops, and on the necessity of my being put in full authority to fire, or use whatever other means, I might as a professional man think necessary to quell the rioters. This authority was repeatedly and explicitly stated to be given.

On my arrival in the square, I perceived that Dr. Robertson had a book under his arm, and said to him have you been reading the Riot Act?—He replied I am going to do it immediately, whereupon he removed to a little distance—I did not accompany him, wishing to be in readiness among the troops; some time after he again approached the troops, and I asked him a second time if he had read the Riot Act—He replied that he had—I remained with the troops under the portico of the Church till about 5 o'clock, at which hour the magistrates had acquainted me a very serious riot might be apprehended—I had occasionally walked out into the square to judge of the strength of the mob and of their disposition—suddenly after 5 o'clock they behaved riotously in the part of the square near the place where the Poll was held, which caused Messrs. Moffatt and Robertson before mentioned, and several other magistrates, as well as all the special Constables, to leave the Court or enclosed space in front of the Church, and I returned to my men to be in readiness—much noise and tumult in the square succeeded—and distinctly saw that the mob were furiously engaged with the Constables.

In a few minutes a loud and general cry in the Place d'Armes occurred, and the magistrates and constables rushed back through the gates of the Court, mixed with and followed by many other persons, the last of whom were furiously assaulting the constables and others with bludgeons, stones, &c.

Immediately perceiving that there was a risk of the military party being rushed upon and overpowered, I gave to the men the following command, in the presence of the magistrate, Dr. Robertson, namely: "with ball cartridge prime and load," while these things were doing, there was a cry, in which several of the magistrates joined, of "now Colonel, for God's sake bring out the troops, the rioters are murdering the people and attacking the houses." The rioters having marched back into the square on seeing the troops loading, I filed the men on the right side of the portico through a gate in front proceeding close along the side of the square, in which is situated Dr. Arnoldi's house; (altho' many around me, and I think Dr. Robertson shewed an inclination that I should at once advance upon the rioters in the square,) my motive for proceeding along the buildings on the north side of the square was twofold: I expected that the appearance of the troops alone would cause the dispersion of all persons inclined to be riotous—I also wished that the troops should have a wall in their rear when they were forming as it was impossible to say whether the rioters would attack us or retire before us. I therefore chose the spot opposite Dr. Arnoldi's house, for forming them, as it commanded St. James street in its front, through which I expected to be able to cause the rioters to remove as it was the way they appeared to have come—I had perceived that the mob had received a vast accession of strength, and that it would be desirable on advancing the party into the square that support should be give to it, I therefore sent, with the sanction of the magistrate, Dr. Robertson, an order for a company from the Champ de Mars to advance for this purpose, and that the rest of the Regiment should follow, if any firing was heard—The firing I earnestly wished to avert, and intended to advance upon the mob without so doing, if it should be possible, to avoid it, and cause the mob otherwise to be

quiet and disperse. While the party was moving to the front of Dr. Arnoldi's house, many stones had been thrown in the square and against houses and shops. The troops having formed, moved forward through the Place d'Armes and down St. James street, every thing being done to prevent the Constables from crowding in their front. On arriving in St. James street, showers of stones were thrown by the mob who were before us, and I attempted by pressing on to induce them to disperse without having recourse to fire arms, if not rendered impossible by the discharges of stones, some of which were large, and I should suppose might weigh between 2& 3, pounds, some of them appearing to have been taken from the materials of a building which was being constructed in their rear; near the Bank I halted the troops for some minutes still with a view to give an opportunity to the mob to disperse without firing, and at that time, with this view, I called out loudly that it was intended to fire—I fancied I perceived an inclination in the mob to break up at this moment, but was disappointed, for they approached, and the showers of stones increased—I now began to despair of the possibility of quelling them without firing, but determined to give every chance, I again advanced the party, thinking it better to make a last attempt to disperse them under a shower of stones than to make a sacrifice of human life. The mob, whenever it retired or advanced, managed to maintain about the same distance, and kept in a body acting with great system in keeping up the shower of stones, as those in front kept near enough the troops to do them injury, and when they retired or advanced ran through each other like light troops skirmishing;—at length, apparently emboldened by the forbearance of the troops, they renewed the attack or discharge of stones to an extent, that must in a few minutes have levelled at least half of the party with the ground, and which must have been succeeded by the remainder being totally overpowered; at this moment I saw that firing was inevitable, and being again called upon by a Magistrate on the spot to do so, I again advanced in front of the troops and waving a stick which I had in my hand, called out in the loudest tone of voice, that the troops were going to fire; after a few seconds seeing that stones were still showered upon us, I ordered the troops to begin firing, man by man, that I might stop them the moment that I could see it had the effect of causing the mob to disperse. I was surprised that the mob did not instantly run, which seemed to me so extraordinary, that I attributed it to some cause with which I was unacquainted, they however very soon after moved in the most sudden and precipitate manner. I instantly ordered the men to cease firing, which was immediately done.

(Signed,) A. F. MACINTOSH,
Lieut. Colonel.

Sworn before me,
this 1st day of June, 1832.

(Signed,) G. Moffatt, J. P.

District of Montreal:

I, Alexander McMillen of Montreal, Advocate, do make the following deposition upon oath, of the facts and circumstances which came under my personal observation in the course of the afternoon of Monday

Monday the 21st day of this instant month of May, immediately prior to the close of the Poll, and up to the time the Military were called upon to act against the mob collected on that occasion.—At 5 o'clock in the afternoon, I was standing on the pavement in front of the outward wall of the French Cathedral, near the gate directly fronting the Place d'Armes—a number of soldiers under arms were at the same time sheltered by the portico of the Church. At 5 o'clock, the time of closing the Poll, I heard a great shout, and saw a movement among the people surrounding the Poll, a small part of whom, after taking a considerable circuit, moved off in the direction of the Bank, leaving an immense crowd still remaining. Shortly afterwards another movement was perceptible, and immediately a rush towards the gable end and front of Mr. Henderson's house; showers of stones were immediately sent into every aperture of the house, and as far as I could judge, attempts made to force the door—several of the rioters, in the mean time, coming forward in front of the Constables in the middle of the square, using the most violent and menacing gestures, and endeavouring to wrest their batons from them.

Whereupon the other Special Constables in attendance within the enclosure of the Church, together with those standing on the pavement where I was, went to the assistance of this body, and after great exertion, and hard, severe fighting, succeeded in driving the Rioters round Dillon's corner. On that occasion I recollect seeing Mr. Charles Foy with his Badge of Office in one hand, grasping with the other a man evidently one of the foremost of the Tracey mob, and lead him off across the Parade in the direction of Notre Dame Street.—In the mean time, as he was proceeding with his prisoner, and had nearly crossed the Place d'Armes, I saw among the crowd which had been driven round Dillon's corner, return with apparently increased numbers, and in the most furious and frantic manner clear the Place d'Armes of every person, Constable and others who opposed their progress, throwing showers of stones, which fell among those assembled near the Church. The peaceable citizens retreated before them, and a rush was in consequence made towards the different gates, the stones at the same time flying in all directions. I saw at the gate, which was for a time completely blocked up, Joseph Shuter, Esq., endeavouring as well as myself to make good his entry within the enclosure; near him was a Special Constable, whose ear was very much lacerated and bruised, with the blood flowing on his neckerchief and shoulder.

I immediately took shelter within the wall from the storm of stones flying in every direction, up to the very steps of the Church, where the soldiers stood. I conscientiously depose to the best of my belief, that but for the presence of the Troops under the arch-way, the rioters would have forced their way into the enclosure. To stop such proceedings, however, the soldiers without loss of time, were ordered out, and proceeded by circuitous rout along the pavement near Dr. Arnoldi's, towards the assailants, who retreated into St. James Street, still throwing stones at the Military and citizens accompanying them. I saw Mr. Farquhar, a Special Constable, follow the Troops, he was then unhurt.—Shortly afterwards, near Capt. Piper's domicile, the soldiers, after a slow advance, came to a halt. During the time they were drawn up across the Street, I saw the men crouching and stooping to avoid the stones which were showered upon them by the mob in front. I most solemnly depose that no return whatever was made by the citizens in the rear, they being mostly gentlemen and Special Constables; in fact, the very persons who had been driven and pursued within the Church enclosure.

After repeated provocations, the Troops fired, and the crowd, in part shortly afterwards dispersed, and collected in scattered groups round the killed and wounded at some distance from the ground. I then saw Mr. Farquhar, with a contusion on the head, his clothes completely covered with mud, stagger from weakness, into Mr. Robertson, the Carpenter's house; he must have been thus maltreated in St. James street, nearly about the time the soldiers fired.

I had myself, with others, at the request of Mr. Bagg, attended for three days at the Poll, in order to scrutinize the different voters qualifications—I depose, that from the conduct observed throughout, the violence and determined demeanor of many of the partizans of Mr. Tracey, and the personal threats held out to myself both at the poll and in the streets, extending even to my life, I felt myself imperiously called upon to abstain from further attendance—That the mob became day after day, and the more the contest was prolonged, more bold and enterprising in their violence—and it is my opinion, that without the intervention of the Military, the pursuit from Dillon's corner to the enclosure of the Church would have eventuated fatally to many of those who took refuge within the walls, from the absolute inadequacy of the constabulary force to afford protection from the exasperated conduct and overwhelming numbers of their adversaries. The mob seemed to be under the guidance of certain persons above the common class, not only in the evening in question, but during the whole election, they seemed to control them in every outrage, and in fact, were accessory to all the evils which followed.

Several gentlemen who took part for Mr. Bagg, I remember in particular, Messrs. Bibaud, Salmon and Hart, were some days before severely beaten by the mob in question, who throughout shewed the most determined hostility inimical to the interests of their idol Mr Daniel Tracey.

(Signed,) A. McMILLEN.

Sworn at Montreal, this
20th May, 1832, before me,

(Signed,) A. Jobin.

District of Montreal :

William Carmichael, of the City of Montreal, blacksmith, having been duly sworn, deposeth and saith, as follows: That about five of the clock, on the afternoon of Monday last, he was present in the Place d'Armes, when a vast number of persons attacked the Constables who were there present, beating them, and otherwise violently maltreating them.—Heard the Riot Act read by Dr. Robertson, and saw the Troops under the command of Colonel McIntosh move from the porch of the Church, where they had been some time stationed, and march down St. James street, till they came nearly opposite Dr. Robertson's house, where they halted: That during the whole of this time, showers of stones were thrown at the Constables and Troops; saw a stone strike the Colonel (McIntosh) on the breast; saw him after that advising and entreating the mob to disperse, to avoid bad consequences; saw one of the soldiers bleeding from a wound near the ear; heard

the mob crying there was no danger, as the muskets were loaded with blank cartridge, and wedging each other forward. Deponent retired for a few moments, and upon his return, saw the Troops fire upon the mob, and after that Deponent went to his own home, and further this Deponent saith not.

(Signed,) WM. CARMICHAEL.

Sworn before me, at Montreal,
the 23d day of May, 1832.

(Signed,) Joseph Shuter, J. P.

was adjourned—saw Mr. Daniel Tracey and his friends coming out by the corner of the house occupied by Robert Henderson, Grocer, instead of the usual rout towards St. James Street—heard loud shouts and cheering—saw a great number of idle and disorderly persons following Mr. Daniel Tracey, and scattering themselves about, taking in nearly one half of the Place d'Armes—saw several persons knocked down, and immediately afterwards saw the mob make a rush towards the door of the said Robert Henderson's house, and about the same time a volley of stones were thrown at the windows of the said house.

Deponent further saith, that at this time the Military were under the porch of the New Church. Deponent further saith, that he, together with several others of the Special Constables, ran towards the mob, to endeavour to protect some persons, whom the said mob were beating and abusing in a brutal manner. Deponent was immediately knocked down, and on getting up saw the mob running towards the Methodist Chapel, to the Creek, and down the Street leading to St. François Xavier Street—saw them the said mob, throwing stones at the Special Constables, who were then advancing. Deponent followed on towards the Hay-Market, as far as opposite the house of Wm. Kennedy, Carpenter, or thereabouts—saw part of the mob apparently returning towards him—saw them throwing stones so thick, that it was with difficulty that he avoided them, and considered it unsafe to remain any longer. Deponent at this time saw the Magistrates and the Military close behind him—heard the Magistrates and the Officers calling out, "Clear the road—disperse," which words were repeated three or four times—heard some person at the same time calling out from among the mob "don't be afraid: they dare not fire on you, they dare not fire on you."

Deponent then retired behind the Military, saw the stones falling among them, (the Military,) almost as thick as hailstones.—Heard the words distinctly given, "ready," "fire,"—saw two men fall, one of whom, apparently in the very act of throwing a stone. Deponent was then immediately knocked down, and rendered insensible for some time, which prevented him from noticing what passed afterwards. Deponent is now of opinion that if the Military had not been called out, there might have been ten lives for every one that was lost.

(Signed) WM. FARQUHAR.

Sworn before me, this 25th day of May, 1832.

(Signed) Austin Cuivillier, J. P.

(Signed,) John Mackenzie, J. P.

District of Montreal :

William Farquhar, of the City of Montreal, Merchant, being duly sworn, deposeth and saith: That on Monday last, the 21st day of May, he was called out by an order of the Magistrates, to act as a Special Constable, in order to keep the peace, at or near the Poll-house, at the Place d'Armes of the said City of Montreal—that he was in attendance in his said capacity, at 5 of the clock in the afternoon, when the Poll

District of Montreal :

Charles Mittleberger, of the City of Montreal, Merchant, being duly sworn, deposeth and saith: That on Monday, the 21st day of May instant, at about five o'clock in the afternoon, he was at a short distance from the Poll, at the time Daniel Tracey, one of the Candidates for the Election of the West Ward of this City, and his friends, retired from the Poll.

That he was at the time standing near the door of the Fabrique, under an impression that they would, as customary, retire through an opening in the fence, nearly

nearly opposite to the door of said Fabrique, but that finding that they advanced rapidly towards him, he retreated to the door of one Sancer. That whilst there, the Deponent was much alarmed at the yells and other obvious indications of approaching violence proceeding from the partizans of said Tracey, and the more particularly so, upon the discovering that his means of effecting his retreat were cut off by a collision which had taken place between the opposite parties, and that a large number of stones were thrown in different directions, by which the personal security of the Deponent was endangered.

That whilst he stood at the door of the said Sancer, he distinctly saw the first stone that was thrown, which, with many others that almost immediately followed it, proceeded from the partizans of said Tracey, who stood between the Poll and the corner, nearly opposite. Is positive in saying that no stones were thrown by the partizans of Stanley Bagg, the other Candidate, until they were assaulted by similar missiles from the other party.

That the Deponent effected his escape from the place where he was standing at the time Mr. Bagg and his friends hastily retreated from the Poll; saw the Special Constables advance to the relief of the partizans of Mr. Bagg.—When the Special Constables were repulsed, the Deponent took refuge in a room adjoining the shop of Mr. Robert Henderson, whilst there a number of stones or other missiles were thrown through the window, and from the number and the desperate appearance and menaces of the assailants, and the utter impossibility of escaping from the room in which the Deponent and several other persons were confined, the deponent considered his life in imminent danger, until the providential approach of the Military relieved the Deponent from his well grounded apprehensions. That on the approach of the Troops and consequent retreat of the assailants, the Deponent went out of said Henderson's shop, and followed the Troops; when in pursuit of the rioters in St. James street, saw the Special Constables and others before the Troops, engaged in a contest with the rioters, who were retreating with sticks, stones and other missiles; saw the Troops halt nearly opposite to the house of Dr. Robertson, saw the Special Constables and others, who were in advance of the Troops, retire behind them; saw the rioters in a dense line before them throwing a large number of stones or other missiles, evidently with the intention of injuring the Military, as well as the Special Constables and others, in rear of the Troops. Heard the word of command given to fire—The discharge appeared to be levelled over the heads of the rioters; after the first discharge, many of them dispersed, but saw a volley of stones thrown at the Troops, after the first discharge of musketry; saw the second discharge also, after which the rioters dispersed. That the Deponent is firmly of opinion, that the discharge made upon the rioters, was (although much to be lamented,) an act of imperative and justifiable necessity, as the spirit of resistance manifested by the rioters, was of such a determined character, that it could not be (in the opinion of the Deponent,) quelled by any less decided and coercive measures. That he afterwards saw three of the persons killed, and one wounded.—That although the Deponent feels much reluctance in casting reflections upon individuals, he feels it to be his duty to state it as his opinion, after much reflection on the painful subject, that if Mr. Tracey, and such of his adherents who were arm and arm with him on this occasion, had retired through the opening in the fence already adverted to, as they had done on some previous evenings, instead of assuming an attitude of defiance, and purposely coming into collision with the friends of Mr. Bagg, by forcing them to retire from

the place where they usually assembled, near the shop of Mr. Henderson, the melancholy consequence produced by adopting this course, would in all probability, have been averted, notwithstanding that it appeared to the Deponent, from the yells and other obvious manifestations of intended violence proceeding from Mr. Tracey's adherents, previous to his retiring from the Poll, that some violence was premeditated by his partizans.—And further the Deponent saith not.

(Signed,) CHARLES MITTLEBERGER.

Sworn before me, this
26th day of May, 1832.

(Signed,) John Fisher, J. P.

DISTRICT OF MONTREAL, }
TO WIT:

George Moffatt, residing in the City of Montreal, in the District aforesaid, Member of the Legislative Council of the Province of Lower Canada, being duly sworn, deposeth and saith: That having been notified on Sunday the 20th instant, to attend a Special Meeting of the Magistrates, at 7 o'clock, P. M., he repaired to the Court House soon after that hour, where he found several Magistrates already assembled and deliberating upon two communications received from the Returning Officer for the West Ward of the City, by the Clerk of the Peace, for the purpose of being laid before the Meeting: That in consequence of the tenor of said communications, and believing the peace of the City to be endangered by the continuance of the Election, the Deponent concurred with the Meeting in ordering that 75 Special Constables, accompanied by the High Constable, should be sent early the following morning to the Poll, to be there placed at the disposal of the Returning Officer: That a further number of 100 Special Constables should be stationed under the Arcade of the Roman Catholic Parish Church, under the directions of two Magistrates; and that Lieut. Col. M'Intosh, the Commandant of the Garrison, should be requested to reinforce the Main Guard by a Piquet under the command of a Captain, to be in readiness to aid the civil power in maintaining the peace of the City, if required so to do by a Magistrate, which request this Deponent and Dr. Robertson, were by the said Meeting requested to intimate verbally to Lieut. Col. M'Intosh, and to state to him that a certified extract from the proceedings of the meeting on the subject, would be sent to him the following morning. Before separating, it was resolved by the meeting that this Deponent and Joseph Masson, Esquire, should take charge of the Special Constables under the Arcade of the Church, during the forenoon of Monday, Accordingly on Monday, between the hours of 7 and 8 A. M., this Deponent again repaired to the Court House, and with his Colleagues, sent between 60 and 70 Special Constables, accompanied by the High Constable, to the Poll; soon after which, Deponent and his Colleagues repaired to their post at the Church, with as many more Special Constables as could be collected, in number about 30. At noon this Deponent and his Colleagues were relieved, according to the arrangement of the preceding evening, by Benjamin Holmes and Pierre Lukin, Esquires, two other Magistrates. When this Deponent returned to his own house, about four o'clock, P. M. of the same day, this Deponent was casually

sually informed that the military had been called out, and were stationed at the Church; conceiving it to be his bounden duty, this Deponent returned to the Church and determined to remain there until the adjournment of the Poll, in order personally to assist in maintaining the public peace, and to advise, if required, with the Magistrates then more immediately charged therewith. Dr. Robertson and Mr. Lukin, (the former having relieved Mr. Holmes,) were at their post. At the adjournment of the Poll, a good deal of noise occurred, which was almost immediately followed by disturbances. The Special Constables rushed into the Place d'Armes, and this Deponent followed them, intending to prevent their going nearer to the crowd than was necessary. He found Mr. Lukin standing there, and enquired for Dr. Robertson. From what was passing in the foreground, it was plain that a serious riot was begun—and in an instant the dense crowd in the vicinity of the Poll, fell back into the square and fled in all directions, followed and pelted with stones by a mob issuing from St. James street. This Deponent with many others took shelter in the enclosure in front of the Church. Mr. Shuter, another Magistrate, also came into the enclosure, calling earnestly for the troops to prevent murder, and alleging that one man had already been killed. At this period Mr. Henderson's house was attacked, and the fury of the people was such that the loss of life and destruction of property appeared inevitable. This Deponent therefore went in search of the Magistrates on duty, and gladly saw the troops beginning to file off from under the Arcade: that the troops took up a position in front of Dr. Arnoldi's house, but the crowd in front neither dispersing nor ceasing to throw stones, the troops advanced to the Bank, where this Deponent thinks they again halted, the crowd yielding, but not ceasing to cast stones—the troops again advanced as far as Dr. Robertson's, continuing all the while exposed to stones thrown in great numbers and with much violence. The Special Constables and Citizens driven back in the first instance, rallied on the appearance of the troops and advanced on either side of them. This Deponent was chiefly occupied in keeping back the people, and perceiving when the troops last advanced that the former were eager to come into contact with their adversaries, Deponent ran forward, nearly in a line with the troops, and was using his endeavours to prevent collision, when the latter fired some shots, having taken effect, the rioters dispersed and the troops advanced to the upper end of St. James street, when this Deponent left them to sign a requisition for a meeting of the Magistrates to concert measures for the security of the peace during the night.

That this Deponent did not at any period direct or controul the movements of the troops, but approves of their having been called on, and solemnly declares that, in his opinion, many lives would have been sacrificed in the Place d'Armes but for their timely appearance, and however much the loss of human life, occasioned by their having fired, is to be deplored, Deponent does not conceive that the dispersion of the mob could have been otherwise effected, tranquillity restored or the security of property maintained.

(Signed,) G. MOFFATT.

Sworn before me, at
Montreal, this 26th May, 1832.

(Signed,) J. Reid, Ch. J. K. B.

PROVINCE OF LOWER CANADA,
District of Montreal.

Robert Fowler, of the City of Montreal, in the said District, cabinet-maker, being duly sworn, deposeth and saith: That between three and four o'clock in the afternoon, on Monday the 21st instant, he the said Deponent was at the Poll, on the Place d'Armes, in the said City of Montreal, and was standing there as a Special Constable to keep the peace, and at about half past three or four o'clock, some trouble having taken place among the people, he the said Deponent was ordered to go to pacify them, and was then struck by three individuals, as he the said Deponent supposed to be of Mr. Tracey's party, and then as soon as the Riot Act was read by Mr. Robertson, one of the Magistrates of this District, he the said Deponent was ordered to retire to Mr. Henderson's corner, and stand there with the rest of the Special Constables; and at the close of the Poll, the said Deponent being still on the same ground to keep peace, was insulted and struck by umbrellas, and at the same time he saw stones coming and flying from Mr. Tracey's party, and they came in such quantity, that the said Deponent was obliged to retire into the French Church-yard, under the protection of the soldiers, his life being in danger.

And the said Deponent saith, that he saw there Mr. Shuter, a Magistrate of this City, and saw him there quiet and with the intention of keeping peace. He the said Deponent did not see Mr. Shuter give any order to trouble the peace, or to excite the people, but on the contrary, all his endeavors were to pacify them; and the said Deponent further saith, that having the Soldiers there it saved many lives of the citizens of Montreal, and for himself, had he not been under the protection of the soldiers he would now be a dead man; and the said Deponent further saith not. The Deponent having read this deposition, declared it contains the truth, has persisted therein, and hath signed.

(Signed,) ROBERT FOWLER.

Sworn before me,
Montreal, this 26th May, 1832.

(Signed,) Jos. Shuter, J. P.

Samuel Shuter, Tavern-keeper, being duly sworn, saith: That he was acting as Special Constable, on Monday the 21st instant, stationed about five o'clock, within the enclosure of the French Church, the civil power was called out by the Magistrates to quell an existing riot near Henderson's house, Deponent and other Constables went forward, at which time stones flew so heavily and in such numbers, the Constables were compelled to retire, upon which the Troops advanced to our support; in advancing, the Troops were assailed with stones by the party which had hitherto supported Mr. Tracey. As the Military advanced the people who had defeated the Constables commenced returning back towards and in St. James' street, still continuing to assail the Troops and Constables with them by stones which were thrown with great force. Heard the windows of Mr. Henderson's house smashed previous to the advance of the Troops. Deponent considered it absolutely necessary for the authority to advance the Military to maintain the peace. Deponent as a Special Constable, continued to advance up St. James' street, and

and was himself struck on the head with a stone which cut him severely; several other blows were received by this Deponent; on receiving the cut on the head retired towards Dr. Robertson's house. At this time the military was suffering severely by the volleys of stones which were thrown at them with great violence. The Troops then fired upon the mob, which I verily believe was necessary for the safety of the public peace and lives of the subjects and protection of property. Deponent was then assisted into Dr. Robertson's surgery, to have his wound dressed. Deponent is not an Elector in the West Ward of this City, nor had any interest in the Election. Before having his head dressed, he went to pick up his hat which he lost, saw a knife picked up by Malo the Constable, which Deponent understood had been intended to be used in the fray by one of Mr. Tracey's party—Further this Deponent saith not.

(Signed,) SAMUEL STONE.

Sworn before me, this 26th
day of May, 1832.

(Signed,) W. Robertson, J. P.

him, pushing and knocking down all before them; the Constables again endeavoured to keep them back, but we were repulsed, and in addition to their former misconduct they picked up stones and threw them at us; at this time myself with many others retreated within the walls of the New French Church yard under a volley of stones, and a great many of the stones were thrown over the wall into the yard. The Military were then ordered out and the mob began to retreat from the Place d'Armes up St. James Street. On the Military forming a column, I was on the right of the front rank, and when the Military and Civil power came into St. James Street, nearly opposite the Engine House where the Poll was kept, the mob turned round and again began to throw stones at the Military and Civil power. Some of the Magistrates and Constables were struck with stones, also the Military. One Officer of the Regiment I saw hit by a stone; at this time every means was used to get them to desist from their outrageous conduct, but every effort was used in vain, and the Magistrates then ordered that the troops should fire, which was done, and not until the troops had fired did the mob desist in throwing stones at the Civil and Military power, and I further depose from what I had seen on former days, and particularly on the day before mentioned, that no other means could have been adopted to quell the riot, but by firing among them, as the mob appeared so determined, that I am confident many more lives must have been lost and a great deal of property destroyed.

(Signed) ISAAC AARON.

Sworn before me, this
26th day of May, 1832.

(Signed) Benjamin Holmes, J. P.

I, Isaac Aaron, depose and swear, that on Monday the 21st day of May, 1832, about the hour of three o'clock in the afternoon, I was informed a riot had taken place in the Place d'Armes. In consequence of my being sworn in as a special constable for the City of Montreal, I considered it my duty to repair to the spot in order to assist in keeping the peace of the said City; on my arriving on the Place d'Armes, I saw the conflict had taken place near the Poll. The Constables were engaged in quelling the riot, but in consequence of the greater number of the rioters, the Constables were driven back, some of them had their staves taken away, some their clothes torn, and many were severely beaten; in consequence of the weakness of the civil power, our number being deficient to quell the riot, the Military were sent for, which arrived on the Place d'Armes about a quarter past three o'clock of the aforesaid afternoon; the fighting was at this time still going on, and the Magistrates deemed it necessary to read the Riot Act which was read by Dr. Robertson. He went into the middle of the mob and I followed and heard him read it aloud. Immediately after the Riot Act was read Dr. Robertson withdrew from the mob and gave the book which he read the Riot Act from, to some person in the door of Mr. Henderson, the grocer, and told him to take care of it for him. Riot Act was read by Dr. Robertson about half past three o'clock of the aforesaid afternoon. After Dr. Robertson had deposited the book, he went towards the Military, and told Colonel McIntosh that the Riot Act had been read. The troops were then withdrawn from the square of the Place d'Armes and marched under the portico of the New French Church where they remained until after the Poll was closed, which was about a few minutes after five o'clock of the aforesaid afternoon. When the Poll was closed, I was standing at the corner of Mr. Henderson's house; when Mr. Tracey came out of the Poll-house, and made a circuitous route (such a long route that I had never witnessed him make on leaving the Poll before, and I have been a witness of his leaving the Poll room during the Election, with the exception of three or four evenings,) the mob followed

John Spencer, of the City of Montreal, trader, being duly sworn, doth depose and say: That on Sunday the 20th instant, whilst at breakfast with his family, his attention was suddenly drawn to an assemblage of persons upon the opposite side of the street, amongst whom I observed Mr. Tracey addressing the crowd around him. He appeared very much excited and violent in his language; deponent could not hear all that was said by Mr. Tracey, but he did distinctly hear him say that they (alluding he considered to Mr. Bagg's party) began with bribery and perjury, and had ended with murder. He Mr. Tracey called upon every Irishman to assemble on Monday morning at six o'clock, and see whether they were to be intimidated or not, and that if they could find no other person to head them that he would head them himself. Shortly after the aforesaid expressions, Mr. Tracey moved off down the street. Deponent was at the Poll between four and five o'clock, P. M. on Monday the 21st instant acting as a Special Constable, did not see the troops on the Square at that time, understood they were under the Church Portico.—About five o'clock the Poll closed, upon which great shouting commenced, observed that Mr. Tracey with his party this day took a sweep round from the Poll door towards Mr. Henderson's house, where Mr. Bagg's friends were principally assembled, by which means the parties were brought into contact. John Donegani was with Tracey, who continued his way past the Bank up St. James Street. Soon after a scuffle ensued amongst some stragglers,

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glers ; saw the party who had followed Mr. Tracey returning, and immediately showers of stones were poured into the Square ; upon the stones being thrown in this manner, the Constables were defeated and ran away under a shower of stones towards the Church ; for his own safety this deponent fled in company with a person whose leg was severely hurt, as well as his side, from the stones that were thrown, did not ask his name. The Military had not at this time moved forward, I fled considering my life to be in danger as well as the lives of those against whom the said stones were thrown.

(Signed) JOHN SPENCER,

Sworn before me, this
28th May, 1832,

(Signed) G. Muffatt, J. P.

District of Montreal :

Personally appeared before me, one of His Majesty's Justices of the Court of King's Bench in and for the said District, William Fisher, of the City of Montreal, Tobacconist, who being duly sworn upon the Holy Evangelists, depoeth and saith : that he was on Place d'Armes in this City, on Monday the 21st instant, at 5 o'clock in the afternoon, after the adjournment of the Poll, for the election of a Member to represent the West Ward in the Provincial Parliament ; saith that he saw Mr. Tracey, one of the Candidates, accompanied by a great number of his adherents, proceed to the middle of the Place d'Armes, contrary to his usual custom, and that on Mr. Bagg, shortly after advancing in company with his friends, he and his friends were immediately attacked by Tracey's party with showers of stones in defiance of the interference of the Special Constables. The said attack was accompanied with shouting and hissing. The Deponent in company with Mr. Bagg leaving the Poll, as the stones came so thick that they were thereby prevented from taking refuge in Mr. Henderson's house. And the Deponent warded off with his umbrella, a stone evidently aimed at Mr. Bagg ; after which they were pursued into St. James' Street, in the direction of the Post Office. The Deponent who had been previously sworn as a Special Constable, left Mr. Bagg in Saint James' Street, and returned, as he thought he was bound, though not on duty that day, to aid the Special Constables in their endeavours to suppress the riot, and in the discharge of his duty as such Constable ; he went into the shop of John Turney to arrest a man, who this Deponent was informed, struck one Mr. Benny ; this Deponent was prevented by the persons in the house from arresting the said man ; after which the Deponent proceeded to the Place d'Armes, and the military were firing. The Deponent further saith that in the morning he overheard one Doherty, a Painter, tell one Cantwell, a Shoemaker, that it was their determination to carry every thing before them on that day, and that they would cut down Mr. Bagg, and every one of his supporters, or words to that effect ; and this Deponent inferred therefrom, that they were determined to proceed to such violence as to endanger the lives and property of Mr. Bagg and his friends, which he verily believes would have been the case, had it not been for the timely interference of the military.

(Signed,) WM. FISHER.

Sworn before me, at Montreal,
this 29th May, 1832.

(Signed,) George Pyke, J. K. B.

James Cornwall, of Montreal, Trader, being duly sworn, deposeth and saith : that on Monday, the 21st May, instant, he was on duty as a Special Constable, at or near the Poll, then held for the West Ward of this City, and that three or four times during the day he and other Special Constables, endeavouring to preserve peace and prevent violence, were assaulted by the mob collected at or near the Poll. That about the middle of the day a disposition to riot was evinced by the people at the Poll, and the interference of the Magistrates became necessary ; and that between the hours of two and three of the clock, in the afternoon, Dr. Robertson and Mr. Lukin, both Justices of the Peace, repaired to the spot near the Poll where the tumult existed, having accompanied them into the crowd of persons there assembled, he stood along side of them and heard the said Dr. Robertson audibly read the Riot Act, and the Proclamation, calling upon the people to disperse, and fixing one hour as the period within which they should do so. At about five o'clock the Deponent further saith, that the riot and tumult came to its height, and the Constables who were attempting to preserve the peace were overpowered, and the troops called in ; that as the troops advanced the mob continued to throw stones at them, and at the persons standing near them ; and Deponent having followed the troops in their advance, was present on a line with them when they fired upon the mob, who still threw stones at the soldiers and others, appearing rather to advance upon the military than to yield. That Deponent saw the stones falling among the soldiery and some go over their heads—and that Deponent did not see any persons behind or near the troops throw stones. And Deponent further saith that the civil power having been vanquished by the mob, he is of opinion that the conduct of the troops was necessary, and did prevent the loss of many lives and the destruction of much property, which must have ensued if the riots had continued.

(Signed,) JAMES CARSWELL.

Sworn before me, at Montreal,
this 26th day of May, 1832.

(Signed,) Wm. Robertson, J. P.

Montreal, ss.

John James Day, of Montreal, in the District of Montreal, Student at Law, maketh oath : that he witnessed the proceedings which took place in the Place d'Armes and St. James Street, at the close of the Poll, on Monday the 21st instant, from the windows of the second story of the house occupied by Mr. Robert Henderson. That Mr. Tracey departed from the Hustings, followed by a large concourse of people, and proceeded to about the corner of Mr. Henderson's Store, and then directed his course up Saint James Street. That Mr. Bagg left the Poll a few minutes after Mr. Tracey, accompanied by comparatively few persons, without the least obstruction, until he reached the corner of Mr. Henderson's Store, when a tumult or riot commenced among the populous, upon which Deponent observed the Constables advance, and at the same instant a number of the rabble who had accompanied Mr. Tracey about as far as the Bank, turned about apparently for the purpose of uniting themselves with those engaged in the affray

affray and commenced throwing stones in the direction of Mr. Henderson's Store. That general disorder and confusion ensued, and Deponent heard glass breaking in all directions and a tremendous rushing in the shop beneath him. That Deponent from the vast quantity of stones at this time coming in the direction of the window, out of which he was then viewing the proceedings in St. James Street, conceiving the lives of several families and children also at the window to be endangered, requested them to withdraw, and immediately closed the iron shutter, and proceeded to one of the windows facing the Place d'Armes, when he observed a body of soldiers advance from out of the enclosure in front of the Cathedral or French Church; they were drawn up in order on the Place d'Armes, and after remaining there a few moments proceeded about as far as the Bank, driving the multitude before them; during all this time stones were flying in every direction, and the progress of the military did not appear to damp the ardour of those persons most active in the riot. Deponent had at this time returned to the window in St. James Street, the soldiers halted at the Bank or Methodist Chapel for several minutes; the disorder and confusion still raging as violently as before, they then pressed their way forward amidst volleys of stones to about as far as the dwelling house of Dr. Robertson, where they again halted, and after a lapse of four or five minutes, (perhaps more,) and whilst stones were showered upon them by the rabble discharged their muskets. That had Deponent been placed in the situation of the soldiers he would have considered his life endangered. That as soon as the smoke had dispersed, Deponent observed at some distance from the soldiers on the left of St. James Street, lying on the ground what he imagined to be the body of some person shot; at this time the Deponent was struck with astonishment to see that a number of the rabble still continued to throw stones at the troops, who after having charged their pieces advanced forward. That it is the firm belief of Deponent, from what he witnessed in the afternoon, and at the close of the Poll on the 21st instant, that the calling out the troops was indispensably necessary to the preservation of the peace, and that in the absence of military assistance at the close of the Poll, many lives would have been lost and much property destroyed. And further Deponent saith not, de clares the foregoing to contain the truth, persists therein, and hath signed.

(Signed,) J. J. DAY.

Sworn before me, at Montreal,
this 26th day of May, 1832.

(Signed,) W. Robertson, J. P.

Charles Try, of the City of Montreal, Cabinet Maker, being duly sworn, deposeth and saith: that having occasion to go out on Monday, the 21st instant, about three o'clock in the afternoon, he observed that there was some tumult in the Place d'Armes; the Deponent being Special Constable for that day, conceived it to be his duty to inform some other Special Constables who were at Luckiu's of the existence of the disorder; the Deponent went home to get his baton, and also three men in his service who were Special Constables. With these persons he repaired to the vicinity of the French Church; some short time after this Deponent perceived that there was actual violence used near the Poll—stones flying and persons thrown down. Upon this he went to the spot with others, and upon arriving there he found

the people still in conflict: one or two Magistrates were there using exertions to prevent a continuance of it by separating the parties. In obedience to the orders of the Magistrates, myself and other Constables withdrew and placed ourselves at the corner of Mr. Henderson's house; for a short space of time peace seemed to be restored, and the Special Constables dispersed, but in about half an hour a new contest began, and the alarm was given that people were being murdered.—He the Deponent and other Constables went to the spot for the purpose of allaying the tumult.—On reaching the spot he found numbers of persons engaged in fighting and throwing stones, and that the Special Constables were attacked by persons who seemed to be greatly excited and even intoxicated,—and whom this Deponent believes were adherents of Mr. Tracey.—That the Deponent himself was struck, and that the Constables being overpowered were obliged to retreat—this occurred after the arrival of the Troops, and after Mr. Tracey had withdrawn from the Poll. The partisans of Mr. Tracey having thus overpowered the Constables, came round in front of Mr. Henderson's house, into which many individuals had gone for the sake of safety, and they commenced their attack upon the house by breaking the windows with stones, it being their object to injure the persons who had retreated into the house.—To put an end to this the Troops advanced from the French Church, and he observed at the same time people coming up from St. James Street, where they had supplied themselves with stones—the stones were cast towards the Troops, Constables and other persons standing near them.—He advanced alongside of the Troops until they halted near the Bank,—the mob being in front of the Troops, continuing to throw stones at the Troops and persons near them. The Troops advanced farther as far as Dr. Robertson's, where they again halted—the mob persevering in throwing stones. The Troops having halted at the last mentioned place, the mob stood still and faced round towards the Troops.—Deponent heard either the Officers or Magistrates, he cannot say which, calling upon the people to disperse; and far from moving off, the people showed determination to defy the Troops, and threw showers of stones with greater force than they did before—they having been reinforced by the arrival of other persons and a fresh supply of stones.—While the stones were throwing he heard the word "fire" given by some Officer, but do not know by whom—he heard the discharge of musketry, not in a volley, but by files, and saw one person fall: there were stones thrown from the mob after the Troops had commenced firing. As soon as the mob began to disperse, some shots having taken effect, the Troops ceased firing, and advanced as far as the Presbyterian Church; the mob cleared away. In his opinion the stones thrown by the mob were sufficiently large, and thrown with such violence, as to endanger the lives of the Troops and the persons standing near them, and he is satisfied that if the Troops had not interposed many lives must have been lost and property destroyed.

(Signed,) CHARLES TRY.

Sworn before me, this

26th May, 1832.

(Signed,) Jos. Shuter, J. P.

William Sharp, of the City of Montreal, Livery Stable Keeper, being duly sworn, deposeth and saith—that about 4 o'clock, P. M. on Monday, the 21st May instant, I left my house to go to the Hay Market on business. In so doing I reached the Place d'Armes, where I saw a company of Soldiers under the Porch of the Church, and I was then informed that before the arrival of the Troops there had been a disturbance. About 5 o'clock, as I was standing opposite Mr. Doucet's house, I observed the commencement of a contest between the two parties, which was brought about by a rush of persons from the place where the Poll was held, upon certain individuals who were standing near Mr. Henderson's house—the former were Mr. Tracey's adherents, the latter were persons whom I understood to be favourable to Mr. Bagg.—The individuals attacked were driven back from the place where they stood to the neighbourhood of the Church, where the Troops were. Immediately afterwards I saw another division of Mr. Tracey's party take a circuit to come in front of Mr. Hen.

Henderson's house, and being there, I saw them discharge showers of stones against the said house, in all its front parts, which were directed, as I suppose, against the people who had entered the said house for safety. The windows were broken, and I conceive the people within the said house were in danger of their lives,—and had it not been for the timely interference of the Military, after the Special Constables had ineffectually endeavoured to quell the riot, I believe the lives of many persons would have been lost and a large destruction of property ensued. About this time I saw the Troops leave the place where they had been and form a line opposite Dr. Arnold's; and at the same moment I saw Mr. Shuter endeavouring to keep back the Constables and the people who had been assaulted, telling them that the Troops had interposed, and that they would be in danger if they advanced.—The Troops halted there for a short period, and as the mob continued to throw stones, they advanced until they came to the Bank—the mob retreating but still throwing stones at them; as soon as they passed the Bank the Troops halted. I then observed a fresh party joining the mob, and continued to shower stones upon the Troops, and those who followed them. Upon this I heard the word march, and the Troops advanced and halted once more a little past Dr. Robertson's. The mob did not disperse, but on the contrary, they continued their assaults on the Troops, and even came nearer to them, shouting and bidding defiance—a number came in front of the main body and cast stones, aiming at the Troops, Officers as well as Soldiers—I then heard three of the Officers exclaiming loudly, clear the streets the Troops are going to fire; the mob however continued to throw stones at the Troops.—I heard the Officer in command give orders to fire, and the Soldiers fired by files, and several files had fired before the people ceased to throw stones at the Troops, and those that were near them. I had good opportunity of observing all this, as I stood on the side-walk, a little in advance of the Troops.—I heard the word "halt," which I understood to be directions to the men to cease firing,—this took place as soon as the mob showed a disposition to disperse, two or three shots having taken effect. The Troops then advanced, until they reached the Hay Market, where they halted. The stones on this occasion were thrown with so much violence that I think the Troops and those who were near them incurred the risk of being severely injured or killed,—and I firmly believe, that had not the Troops acted as they did, it would have been impossible to restore order, and to prevent the destruction of lives and loss of property. I merely add, that on one occasion, while the Troops were halted at the Bank, I saw a Special Constable, named Stone, struck by a person, who having given the blow, another man exhibited a knife which he intended to use on the said Stone. I perceived Louis Malo, a Constable, seize upon the man, and wrest the knife from his hands. The knife, which was afterwards shown to me, was of the description of those used by Shoemakers.

(Signed,) WILLIAM SHARP.

Sworn before me, at Montreal,

this 26th May, 1832.

(Signed,) G. Moffat, J. P.

Daniel White, of Montreal, Gent., being duly sworn, deposes and saith: that he was near the Hustings on Monday, the 21st instant, at the time the Poll was closed—that Mr. Tracey's party appeared to be unusually numerous, that many individuals of that party appeared to be extremely irritated, and that by flourishing their fists, sticks and umbrellas, they shewed signs of a desire to break the Peace. That at the time, Mr. Bagg was leaving the Hustings, Deponent observed Mr. Tracey's party moving in a furious manner along St. James Street, towards the Place d'Armes—that they then began to throw stones at the Constables, at peaceable inhabitants, and through the windows of a shop, in which some of Mr. Bagg's friends had sought refuge. That Deponent then moved towards the Cathedral, under a shower of stones,—that he heard several persons cry out to the Magistrates at the Church door, "They are killing the people! help! come on!" That Deponent then consi-

dered the Magistrates to be slow and reluctant in affording protection to peaceable inhabitants,—that he afterwards observed Mr. Tracey's party about the middle of St. James Street, ruffly, and with stones assault Soldiers under arms, in such a manner as to put the lives of the latter in danger. That he soon after saw the Soldiers fire, by whom he supposes that Chauvin and others may have been killed. That Deponent is of opinion, that in order to enforce obedience to the Civil Authorities, and to obtain tranquillity, it was absolutely necessary that the Soldiers should fire.

(Signed) D. WHITE.

Sworn before me, this

28th May, 1832.

(Signed) J. Masson, J. P.

Montreal, 23d May, 1832:

I, Robert Sloper Piper, Captain in the Corps of Royal Engineers, depose, that on Monday evening the 21st instant, about 5 o'clock, or a little afterwards, I was looking out of one of the upper windows of my house in St. James Street, and from thence clearly saw a large mob rushing into the Place d'Armes, from near the Bank, and in a few minutes afterwards running out again, and a body of Troops steadily advancing after them. The people were retiring before the Troops, shouting and pelting them with stones.—I also saw Special Constables or persons carrying blue staves, hunted about like dogs, and pelted by the people. I had taken this station, expecting a disturbance, having seen on my return home from my duties, at the Wharf, a much larger concourse of people in the Square than I had ever before witnessed; and to avoid mixing with them, I took a circuit to my house, by the Seminary, and through St. Xavier Street. I remained at the window until the first division of Troops had advanced to somewhere near Mr. Armour's house, the mob still continuing to pelt and yell at them: in my anxiety to be near the Troops, I ran down into the street on the pavement—stones were then flying in all directions.—The Troops had at this time reached a spot near Mr. Auldey's and Dr. Robertson's, where they halted. The mob which was very dense and close to my own house at that moment, continued to pelt stones and cheer each other to advance, some in English, and others in French; and I distinctly heard persons crying out, that the Troops would not fire. At this time there was a stout gentleman, who appeared to be in the execution of his duty, about 30 or 40 feet in advance of the Soldiers, pelted most unmercifully, and bleeding. I also witnessed a young man, whom I do not at any time remember to have seen before, first opposite to, and then a little to the right of my own house, and afterwards near to the red brick house, lately in possession of Mr. Frotheringham, throwing stones with all his strength: he appeared to have stones in both hands, as he supplied himself incessantly. I heard the word "ready," as far as I can recollect, and "Fire," given, and I immediately saw a young man, which I believe to be the one who was so active, fall. Until the word "fire" was given, the greatest uproar and shouting prevailed, and stones were thrown in every direction, both at Troops and Constables.—The people, however, who had continued to shout and pelt until that moment, then fled in every direction. The Troops after this, moved on to the Hay Market. Before the men were ordered to fire, I witnessed a man violently wresting a staff from a Constable,—and I further saw number of blue staves thrown, and laying in the road between the Troops and Mr. Gates' premises.—From the intemperate manner in which the Troops were attacked and pelted by the mob, I consider that they acted with great forbearance.

(Signed) R. S. PIPER,
Captain R. Eng.

Sworn before me, this 26th
day of May, 1832.

(Signed) W. Robertson, J. P.

DISTRICT

DISTRICT OF }
MONTREAL. }
TO WIT:

Jeremiah Wilkes Dewson, Lieutenant and Quarter-Master of the 15th Regt. of Foot, now stationed at the City of Montreal, in the said District, being duly sworn, deposes and saith as follows:—On Monday, the 21st instant, near the hour of 3 o'clock in the afternoon, I was passing through the Place d'Armes, and observed a number of people fighting, and acts of violence and riot. John Fisher, Esq., one of the Magistrates of Montreal, whom I understood to have been knocked down, came running towards me, covered with dirt, accompanied by Michel Smith, Esq., calling out "what is to be done, to preserve the peace? murder will be committed."—I said, if they went to the Main-Guard with the order of a Magistrate, they would get Captain Temple with a party of men. I have heard the affidavit of circumstances made by Captain Temple, in relation to the occurrences of the afternoon of the 21st instant, read out, and I declare the said affidavit of circumstances to contain the truth, as far as regards all matters subsequently to his arrival upon the Place d'Armes, of which, my knowledge is the same as his own. Of the previous circumstances I am not aware.

(Signed) J. W. DEWSON,

Lieut. and Qr.-Mr., 15th Regt.

Sworn before me, this 26th

day of May, 1832.

(Signed) W. Robertson, J. P.

DISTRICT OF MONTREAL. }
to wit:

Jeremiah Wilkes Dewson, Lieutenant and Quarter-Master in the 15th Regt. of Foot, came before me this day, and being duly sworn on the Holy Evangelists, declares, that he was present at a certain Riot which took place at Montreal, on the 21st of May, 1832, and which Riot the Military were called upon to suppress. Deponent saw Dr. Robertson there, who reported himself to one of the Officers in command of the Troops, as the Magistrate on duty. Magistrates and Constables who had gone into the Square at the Place d'Armes, were driven back into the enclosure of the Roman Catholic Parish Church, where the Troops were stationed, pursued by a rabble, who attacked them with bludgeons and stones. Dr. Robertson stood close by Colonel M'Intosh, when the latter gave the words to the Troops, "with ball cartridge, prime and load," which was accordingly done. The Troops then marched towards the Rioters, headed by Dr. Robertson and Col. M'Intosh, and followed by a multitude of Constables, Magistrates, and Gentlemen, some of whom, when the stones struck them, called out, "Colonel M'Intosh, fire upon them," but the Colonel took no notice of this, until the Troops were halted in St. James Street, when Dr. Robertson, who still remained with the Colonel, turned towards him, (the Troops being then violently assailed by the multitude in front, with stones,) and said in a very agitated and emphatical tone, "Col. M'Intosh, do your duty;" upon which, the Soldiers were immediately ordered to fire.

(Signed) J. W. DEWSON,

Lieut. & Qr.-Mr., 15th Regt.

Sworn before me, at Montreal, this

1st day of June, 1832.

(Signed) P. De Rocheblave, J. P.

DISTRICT OF MONTREAL. }
TO WIT:

William Gleeson, Sergeant in His Majesty's 15th Regt. of Foot, came before me this day, and being duly sworn on the Holy Evangelists, declares: that he was employed with the Light Company on the 21st ultimo, in assisting to quell a riot which took place at the Place d'Armes in Montreal. Deponent observed a tall thin gentleman standing with Colonel Macintosh at the steps of the Catholic Parish Church, was informed the gentleman is Doctor Robertson, a magistrate of Montreal saw also magistrates and constables rushing back (pursued by people with stones and bludgeons) into the enclosure where the troops stood—Directly after heard the Colonel give the words "with ball cartridge prime and load" to the detachment. Dr. Robertson was close to the Colonel when he gave the order to load, and the words were expressed so loud that deponent who was some distance off distinctly heard them.

The troops after having loaded received the words "three right," and were marched into the square, and thence into St. James street, where the troops were violently assailed with stones and some firing took place under the orders of Col. Macintosh, who was still accompanied by Dr. Robertson. Deponent adds that after the troops had loaded in the Church yard and sloped arms, Dr. Robertson addressed Col. Mackintosh, saying, "Colonel, march out the men, they are wanted outside," or words to that effect.

(Signed) WILLIAM GLEESON,
Sergt.

Sworn before me at Montreal,
this first day of June 1832.

(Signed) P. De Rocheblave, J. P.

DISTRICT OF MONTREAL. }
TO WIT:

Private Thomas Lenham, of His Majesty's 15th Regiment of Foot, came before me this day, and being duly sworn on the Holy Evangelists, declares: that he was on duty at the main guard on the 21st Instant; part of the guard was called out that day to quell a riot which began at the Place d'Armes; while advancing in St. James street, towards the rioters who were very numerous and fighting with great fury, several of them turned round and pelted the detachment with large stones, without any cause or provocation whatever, one of these stones struck this deponent. The mob had been several times called upon by Colonel Macintosh to desist from attacking the troops and to disperse before any firing took place, but they still continued to assail the troops, who were in danger where they stood, & could neither go forward nor retreat, without being still more exposed, unless they fired.

(Signed) THOS. LENHAM.

Sworn before me, at Montreal,
Lower Canada, this 28th day of May, 1832.

(Signed) Adam L. Macnider, J. P.

K

DISTRICT

DISTRICT OF MONTREAL, }
TO WIT:

Private *Henry Brass*, of His Majesty's 15th Regiment of Foot, came before me this day, and being duly sworn on the Holy Evangelists, declares: that he was on Piquet on the 21st Instant, and called out on that day to assist in quelling a riot which began at the Place d'Armes. The people in front were numerous, and as the detachment advanced, fighting amongst themselves with great fury. On perceiving the soldiers, many of the rioters turned round and attacked them with weighty stones; deponent was struck, and he saw Colonel Macintosh receive a severe blow on the head while standing on the right of the detachment, having repeatedly before and after this begged of the mob to disperse and desist from assaulting the troops, but to no purpose, as they seemed to get worse, until an order was given to fire upon them.

(Signed) HENRY BRASS.

Sworn before me, at Montreal,
Lower Canada, this 28th day of May, 1832.

(Signed) Adam L. Macnider, J. P.

DISTRICT OF MONTREAL, }
TO WIT:

Private *Thomas Allcock*, of His Majesty's 15th Regiment of Foot, came before me this day, and being duly sworn on the Holy Evangelists, declares: that he was employed on duty on the 21st instant, to assist in quelling a riot which began at the Place d'Armes. While advancing with his detachment, through St. James street, stones were thrown by the rioters very thick and with great violence against the soldiers—one of these stones struck deponent's fire-lock, splitting the stock thereof, which made it necessary to have the firelock repaired. He saw Colonel Macintosh struck on the head with a stone while persuading the mob to disperse and to desist from attacking the troops, but they continued the assault without any provocation whatever until an order was given to fire.

(Signed) THOMAS ALLCOCK.

Sworn before me, at Montreal,
Lower Canada, this 28th day of May, 1832.

(Signed) Adam L. Macnider, J. P.

DISTRICT OF MONTREAL, }
TO WIT:

Armourer Serjeant *Frederick Clarke*, of His Majesty's 15th Regt. of foot, came before me this day, and having duly sworn on the Holy Evangelists, declares: that a fire-lock belonging to Private Thomas Allcock of the same Regiment, stated to have been damaged on duty in Town, the day before, was brought to this Deponent to be repaired on the 22d instant. The stock was split about 7 inches between the tail and trumpet pipes,

which was occasioned, in Deponent's opinion, by a recent heavy blow upon the barrel.

his
FREDERICK CLARKE,
mark.

Sworn before me, at
Montreal, Lower Canada,
this 28th day of May, 1832.

(Signed,) A. L. Macnider, J. P.

DISTRICT OF MONTREAL, }
TO WIT:

Private *Richard M'Genniss*, of His Majesty's 15th Regt. of foot, came before me, this day, and being duly sworn on the Holy Evangelists, declares: that he was employed as an orderly on the 21st instant, when a detachment of the Regiment was called out to quell a riot at the Place d'Armes,—stones from the Rioters came so thick against the soldiers, particularly on the right, where Colonel Macintosh stood, after he had repeatedly exhorted the mob to desist: that the Deponent, who stood near the Colonel, was obliged frequently to shift his ground by jumping right and left to escape them;—he was, however, struck, and saw the Colonel likewise struck with a heavy stone immediately after. Dr. Robertson, a Magistrate was present, and frequently urged Colonel Macintosh to do his duty.—The assault sustained by the troops was wholly unprovoked and wanton, and would, in Deponent's opinion, have been continued with increased fury had the Rioters not have been fired upon.

(Signed) RICHARD M'GENNIS,

Sworn before me, at
Montreal, Lower Canada,
this 28th day of May, 1832.

(Signed) Adam L. Macnider, J. P.

DISTRICT OF MONTREAL, }
TO WIT:

Private *John Brown* of His Majesty's 15th Regt. of foot, came before me, this day, and being duly sworn on the Holy Evangelists, declares: that he was one of a detachment of the above named Regiment, ordered out upon duty on the 21st instant, for the purpose of quelling a riot, which began at the Place d'Armes. While advancing with arms sloped, the soldiers were wantonly attacked by great numbers of the Rioters with large stones, which came very thick and with great violence amongst the men. One of the stones thus thrown struck Deponent on the leg, and abraded the skin although the blow had been much weakened by his front rank man's great-coat,—Deponent saw Col. Macintosh struck, and his own comrade, Private John Hancock. The Colonel had frequently, in Deponent's hearing

hearing, begged of the mob to disperse, but they paid no attention to him.

(Signed,) J. BROWN.

Sworn before me, at
Montreal, Lower Canada,
this 28th day of May, 1832.

(Signed,) Adam L. Macnider, J. P.

DISTRICT OF MONTREAL, }
TO WIT:

Richard M'Genniss, (2d,) private in His Majesty's 15th Regt, of foot, came before me, this day, and being duly sworn on the Holy Evangelists, declares: that he was present at Montreal on the 21st ultimo, when part of the Regiment was called out to quell a riot at the Place d'Armes.—Deponent was there as an orderly—saw Dr. Robertson, a Magistrate, and Colonel Macintosh standing together in front of the troops, who were stationed in the P.rch of the Catholic Parish Church—saw also Magistrates and Constables driven back into the enclosure where the troops were standing, by a rabble assaulting them with stones and clubs—directly afterwards, heard Colonel Macintosh give the words, "with ball cartridge, prime and load," to the men, which was accordingly done in presence of Dr. Robertson, who stood between Colonel Macintosh and this Deponent. The Colonel's words of command were very loud. The troops were then marched out into the square, and subsequently to St. James street, where the riot was going on. Deponent heard some voice from the rear, crying out "Colonel Macintosh fire upon them," the Colonel did not do so until the troops were halted in St. James street, where the rioters were assaulting them with great violence with stones;—when Dr. Robertson, who appeared to be very much alarmed, addressed Colonel Macintosh and said, "Colonel, do your duty,"—Deponent adds, that Dr. Robertson laid a particular stress upon all these words; he remarked this circumstance from hearing the Dr. talking to the Colonel at a former period, during the said disturbance.

(Signed,) RICHARD M'GENNISS.

Sworn before me, at Montreal,
this 1st day of June, 1832.

(Signed,) P. De Rocheblave, J. P.

DISTRICT OF MONTREAL, }
TO WIT:

Private John Hancock, of His Majesty's 15th Regt. of Foot, came before me, this day, and being duly sworn on the Holy Evangelists, declares: that he was one of detachment of the Regiment ordered out on the 21st instant, to quell the riot which began at the Place d'Armes. He saw a great multitude in front, fighting with various weapons; several of these on perceiving the detachment which was soon halted, turned towards them and pelted the men with large stones.

He saw Colonel Macintosh struck with a stone on the head, the blow must have been severe as it shifted the Colonel's cap. Deponent himself received a blow and his comrade, private John Brown. Heard Colonel Macintosh repeatedly requesting the mob to disperse, but they seemed to take no notice of his request, and the stones appeared after this to be thrown thickest towards the right of the detachment where the Colonel stood.

(Signed,) JOHN HANCOCK.

Sworn before me, at Montreal,
Lower Canada, this 28th day of May, 1832.

(Signed,) Adam L. Macnider, J. P.

DISTRICT OF MONTREAL, }
TO WIT:

Private Robert Hennessy, of His Majesty's 15th Regt. of Foot, came before me, this day, and being duly sworn on the Holy Evangelists, declares: that he was one of a detachment ordered on the 21st instant to suppress a Riot in the Place d'Armes. The Rioters were very numerous, and extremely furious, and they continued, until fired upon, to throw weighty stones with great force among the Troops, notwithstanding the entreaties of Colonel M'Intosh that they should desist. Deponent received a blow while advancing.

(Signed) ADAM L. MACNIDER, J. P.

Sworn before me, at Montreal, Lower Canada, }
this 28th day of May, 1832.

his
ROBERT X HENNESSY.
mark.

(Signed) A. L. M., J. P.

DISTRICT OF }
MONTREAL:

John Lakey, Private in His Majesty's 15th Regt. of Foot, came before me this day, and being duly sworn on the Holy Evangelists, declares: that he was present at a Riot, which took place at the Place d'Armes, at Montreal, on the 21st ultimo. He saw Dr. Robertson with Colonel M'Intosh, at the steps of the Roman Catholic Church, where the Troops, called out to quell the Riot, had taken shelter from the rain, during a temporary tranquillity on the part of the mob. Deponent soon heard much noise, and shouting outside the enclosure, and saw people running in great confusion in every direction. At this time the Troops were ordered to load, which they did, in presence of Dr. Robertson, and a great number of gentlemen, who had rushed for protection into the Church-yard. Dr. Robertson told Colonel M'Intosh to march out the men—The Soldiers then received the words "fire at them right," and were marched first into the Place d'Armes, and thence into St. James Street, followed by those who had taken refuge in the Church-yard; some of whom on the way called out, "Colonel M'Intosh, fire upon them," meaning the mob, who were in front, pelting the Detachment with stones. The Detachment was then halted in St. James Street, where they were assailed with stones more violently than before; and Dr. Robertson, who remained the whole time with Col. M'Intosh, said in Deponent's hearing, "Colonel, do your duty," when the firing upon the mob immediately commenced. Dr. Robertson, who appeared to be calm and deliberate in the Church-yard, was here much flurried and uneasy. Deponent had

had an opportunity of making those remarks, from the circumstance of his being employed as an orderly, and disengaged from the duties of the other men.

his
JOHN X LAKEY
mark.

Sworn before me, at Montreal, this

1st day of June, 1832.

(Signed) P. De Rocheblave, J. P.

front rank to fire, which they did, without any apparent effect; that immediately after, the rear rank in its turn, made a general discharge, which had the effect of dispersing the assailants and putting them to flight; that a moment afterwards, Colonel M'Intosh gave orders to load, and to advance together, which was done. This Deponrnt perceived that four persons had been hit, one alone of whom appeared to have been wounded only in the thigh; the others were dead. This Deponent then returned to the Place d'Armes, and saw Companies of Soldiers under arms differently stationed, at distances from each other, and which he had not perceived before. And this Deponent adds, that he expected a commotion, or some disturbance of that nature, from reports and details which had been given him on Sunday, of a harangue from Dr. Tracey to his partizans, near the Recollet Church, after Divine Service; that he verily believes this Riot to have been the effect of it; and that the sudden and spontaneous attack, as well as the acts of violence which were realized by the friends of Mr. Tracey on that occasion, had been premeditated the day before. And this Deponent adds, that he firmly believes, that without the presence and intervention of the Troops, the lives and property of several citizens would have been in imminent danger. And this Deponent further saith not, and hath signed.

(Signed) THOMAS BARON,
Advocate.

Sworn before me, at Montreal,
this 24th May, 1832.

(Signed) P. Lukin, J. P.

DISTRICT OF }
MONTREAL }

Louis Lachance, of the City of Montreal, in the said District, aged above twenty one years, being duly sworn, doth depose and say:—That residing in St. James Street, nearly opposite the American Church, where the Poll for the late Election of the West Ward of this City was held, he had occasion to witness the conduct of the partizans of each of the Candidates during the Election:—That on the first day, he saw some battles on both sides, among the lower class, but that nothing took place on that occasion beyond an exchange of blows with fists.—That on the second day, the partizans of Mr. Tracey, early in the morning, stationed themselves in the immediate vicinity of the Hustings;—That the partizans of Mr. Bagg, of the lower class, were beaten and driven from the Hustings, whilst those partizans of Mr. Bagg, who might have been of advantage to him by their presence and influence were afraid to approach it;—That the partizans of Mr. Tracey continued the system of taking possession of the Hustings from the second day to the close of the Poll;—That he has frequently seen the partizans of Mr. Tracey leave the Hustings and pursue in a body the partizans of Mr. Bagg, and beat them in the most cruel manner. That on Monday, the 21st instant, he was present at the adjournment of the Poll, in St. James Street, on an elevated spot, from which he could see what was going on,—that at the moment of his arrival on that spot, what people he could see in St. James Street, were occupied in throwing stones.—That he there saw the Soldiers coming up at the ordinary march; that having arrived nearly opposite the house of Dr. Robertson, they halted. The crowd which was in front of the Soldiers continued furious, to throw stones towards the Soldiers,—that it was only some time after they had so continually throwing stones, that he saw and heard the Soldiers fire. So great was the number of stones throwing that the air was almost black with them:—that he believes in his conscience, considering the state of excitement in which the crowd was, that without the intervention of the Military, a great number of persons would have lost their lives.

The foregoing deposition being read, this Deponent declares that it contains the truth, and that he cannot sign.

Sworn before me at Montreal,
this 24th May, 1832.

(Signed) P. Lukin, J. P.

No.

(COPY.)

No. 11.

Montreal, 10th September, 1832.

Sir,

I have the honour to enclose a Calendar of the Convictions had at the late Court of King's Bench, holding Criminal Jurisdiction in the District of Montreal; by which it will appear, that no Convictions for Capital Offences have been had during that Session. I also enclose a Copy of a Presentment made by the Grand Jury on several Indictments laid before them, against William Robertson and Pierre Lukin, Esquires, two of His Majesty's Justices of the Peace, and against Lieut. Col. M'Intosh and Capt. Temple, of His Majesty's 15th Regiment of Foot, for murder; and although these Indictments were ignored by the Grand Jury, still I think it necessary that His Excellency the Governor in Chief should be informed of the statements contained in that Presentment.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) JAMES REID,
Ch. J. K. B.

Lieut. Col. Craig,
Secy. &c., Quebec.

(COPY.)

The Grand Jury humbly represent to the Court, that in the investigation of the occurrence upon which were founded the bills for murder, against William Robertson and Pierre Lukin, Esquires, Colonel M'Intosh and Captain Temple, they have fully and impartially examined into all the circumstances of the case, and the result of their proceedings is the conviction that no ground exists for any criminal charge against those individuals. In such an instance as the present, where violent agitation has convulsed society, the Grand Jury are impelled by a sense of duty, beyond the mere rejection of the Bills, to endeavour at allaying excitement by an expression of the knowledge at which they have arrived, after a severe enquiry into the transaction.

The facts disclosed to the Jury, are briefly these:—that during the latter days of the Election of a Member of the Provincial

Assembly for the West Ward of the City of Montreal, in April and May last, much excitement prevailed, which occasionally terminated in breaches of the peace. That on the twenty-first day of May, the Magistrates seeing a disposition towards violence in the crowd assembled at or near the Poll, at the request of the Returning Officer, had caused a number of Special Constables to attend there, and fearing from previous occurrences that this power would be inadequate to repress any tumult, determined upon providing a Military Force to act in case of need; that accordingly a requisition for Troops, addressed to Captain Temple was made and signed by William Robertson and Pierre Lukin, Esquires, Justices of the Peace for the District of Montreal;—that upon this requisition, between two and three o'clock of the afternoon of that day, a body of Troops was posted in the vicinity of the place where the Poll was held.

That a short time afterwards, an increased disposition to riot having manifested itself, the Magistrates tried to restore order by reading the Riot Act.—That the assemblage not having dispersed at the close of the Poll, conflict arose, in which various acts of violence were committed. That a body of the Rioters having assaulted, with stones and other missiles, a house occupied by one Henderson, with the evident design of injuring individuals who had taken refuge there, and the Civil power being insufficient to protect the persons and property of His Majes., subjects against the imminent danger with which they were threatened, the interposition of the Military Force became necessary. That in subduing the Riot, the Troops were obliged to advance,—that being assaulted and resisted in that movement they were commanded to fire, and in the execution of this order three individuals were killed.

However much the Grand Jury may deplore the fatal consequences which flowed from the introduction of an Armed Force on that occasion, they feel persuaded that it was fully justified by the conjuncture; and its timely interposition, in their belief, averted the calamities which must have ensued, if the Rioters had been suffered to pursue their impetuous and destructive course. With this view of the case, the Grand Jury cannot withhold the public declaration of their opinion, that the conduct observed, as well by the Magistrates as by the Military Authorities, during these events, is worthy of commendation at the hands of those who love peace, and respect the Laws; while the Inhabitants of the City of Montreal, in particular, are deeply indebted to the firm discharge, by those gentlemen, of their respective duties, for restoration to a state of security, and for the protection of their lives and property.

(Signed) CHAS. PENNER, Foreman.

A true copy.

(Signed) John Delisle, Clk. Crown.